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2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 27

**An Act to reduce
the regulatory burden on business,
to enact various new Acts and
to make other amendments
and repeals**

The Hon. B. Duguid
Minister of Economic Development
and Growth

Government Bill

1st Reading September 27, 2016
2nd Reading
3rd Reading
Royal Assent

Printed by the Legislative Assembly
of Ontario

Projet de loi 27

**Loi visant à alléger le fardeau
réglementaire des entreprises,
à édicter diverses lois et à modifier
et abroger d'autres lois**



L'honorable B. Duguid
Ministre du Développement économique
et de la Croissance

Projet de loi du gouvernement

1^{re} lecture 27 septembre 2016
2^e lecture
3^e lecture
Sanction royale

Imprimé par l'Assemblée législative
de l'Ontario



EXPLANATORY NOTE

The Bill is part of a government initiative to reduce the regulatory burden on business and to achieve a cost savings for government.

The Bill amends or repeals a number of Acts and enacts a number of new Acts. For convenience, the amendments, repeals and new Acts are set out in separate Schedules. Schedules with the name of Ministries include amendments to and repeals of Acts that are administered by the Ministry involved or that affect that Ministry. The commencement provisions for each of the Schedules are set out in the Schedules.

SCHEDULE 1 MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

The Schedule adds a new section 6.2 to the *Ministry of Agriculture, Food and Rural Affairs Act* to enable the Minister to establish programs for the encouragement of agriculture, food and rural affairs. Section 7 of the Act, which currently gives the power to establish such program to the Lieutenant Governor in Council, continues in effect. Any such programs that were established by the Lieutenant Governor in Council before the day the Schedule comes into force are deemed to have been made by the Minister under section 6.2. The Schedule also adds a new section 6.1 to the Act which provides that the Minister may enter into agreements in respect of any matter that is under his or her administration under any Act.

SCHEDULE 2 MINISTRY OF THE ATTORNEY GENERAL

Courts of Justice Act

The Schedule makes various amendments to the *Courts of Justice Act*.

Section 43 of the Act is amended by adding a provision providing for protection from liability for the Judicial Appointments Advisory Committee and its members. Existing immunity provisions in subsections 33.1 (21), 49 (27) and 86.2 (19) of the Act are amended so that the wording of the various immunity provisions is consistent.

Section 48 of the Act is amended to provide that letters of resignation from provincial judges, or letters of election to sit as a provincial judge from judges holding administrative positions, are to be delivered, in the usual case, to the Chief Justice of the Ontario Court of Justice rather than to the Attorney General. The re-enacted subsection 86.1 (7) provides that letters of resignation from case management masters continue to be deliverable to the Attorney General.

Subsections 70 (2) and (3) of the Act are repealed and replaced by section 70.1, which transfers the rule-making authority for proceedings under the *Provincial Offences Act* to the Attorney General, subject to prior specified court approval.

Amendments are made to section 73 of the Act to specify that the assignment of powers and duties of specified persons in proceedings must be in writing and may be subject to conditions or restrictions, and to confirm that such powers and duties may be assigned to persons whether or not they are public servants.

A new section 87.2 of the Act establishes the judicial position of Small Claims Court Administrative Judge, and sets out the rules respecting her or his appointment and reappointment, terms, remuneration and other relevant matters. Complementary amendments are made to sections 14, 21, 24, 33, 53 and 65 to provide for the following, among other things:

NOTE EXPLICATIVE

Le projet de loi s'inscrit dans une initiative gouvernementale qui vise à alléger le fardeau réglementaire des entreprises et à faire réaliser des économies au gouvernement.

Le projet de loi modifie ou abroge un certain nombre de lois et en édicte de nouvelles. Par souci de commodité, les modifications, les abrogations et les nouvelles lois se présentent sous forme d'annexes distinctes. Les annexes où figure le nom d'un ministère donné modifient ou abrogent des lois dont l'application relève de ce ministère ou des lois qui ont une incidence sur celui-ci. Les dispositions d'entrée en vigueur des annexes sont énoncées dans chacune d'elles.

ANNEXE 1 MINISTÈRE DE L'AGRICULTURE, DE L'ALIMENTATION ET DES AFFAIRES RURALES

L'annexe ajoute à la *Loi sur le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales* l'article 6.2, lequel permet au ministre de mettre sur pied des programmes visant à favoriser l'essor de l'agriculture, de l'alimentation et des affaires rurales. L'article 7 de la Loi, qui confère actuellement au lieutenant-gouverneur en conseil le pouvoir de mettre sur pied de tels programmes, demeure en vigueur. Les programmes ainsi mis sur pied par le lieutenant-gouverneur en conseil avant le jour de l'entrée en vigueur de l'annexe sont réputés avoir été mis sur pied par le ministre en vertu de l'article 6.2. L'annexe ajoute également à la Loi l'article 6.1, lequel prévoit que le ministre peut conclure des accords en toute matière qui relève de son autorité en vertu d'une loi.

ANNEXE 2 MINISTÈRE DU PROCUREUR GÉNÉRAL

Loi sur les tribunaux judiciaires

L'annexe apporte diverses modifications à la *Loi sur les tribunaux judiciaires*.

L'article 43 de la Loi est modifié par l'ajout d'une disposition accordant l'immunité au Comité consultatif sur les nominations à la magistrature et à ses membres. Les dispositions existantes relatives à l'immunité, énoncées aux paragraphes 33.1 (21), 49 (27) et 86.2 (19) de la Loi, sont modifiées afin d'harmoniser le libellé des diverses dispositions portant sur l'immunité.

Une modification apportée à l'article 48 de la Loi prévoit que les lettres de démission des juges provinciaux ou les lettres dans lesquelles les juges exerçant des fonctions administratives choisissent de siéger à titre de juge provincial doivent être normalement remises au juge en chef de la Cour de justice de l'Ontario plutôt qu'au procureur général. Le paragraphe 86.1 (7), tel qu'il est réédité, prévoit que les lettres de démission des protonotaires chargés de la gestion des causes doivent continuer d'être remises au procureur général.

Les paragraphes 70 (2) et (3) de la Loi sont abrogés et remplacés par l'article 70.1, qui transfère au procureur général le pouvoir d'établir des règles relatives aux instances introduites en vertu de la *Loi sur les infractions provinciales*, sous réserve de l'approbation préalable du tribunal précisé.

Des modifications sont apportées à l'article 73 de la Loi pour préciser que l'attribution de pouvoirs et de fonctions à des personnes précisées dans des instances doit être faite par écrit et peut être assujettie à des conditions ou restrictions, et confirmer que ces pouvoirs et fonctions peuvent être attribués à des personnes, que celles-ci soient ou non fonctionnaires.

Le nouvel article 87.2 de la Loi crée la fonction judiciaire de juge et chef de l'administration de la Cour des petites créances et énonce les règles concernant sa nomination ainsi que le renouvellement de son mandat, la durée des mandats, la rémunération et d'autres questions pertinentes. Des modifications complémentaires apportées aux articles 14, 21, 24, 33, 53 et 65 prévoient, notamment, les fonctions suivantes :

1. The Small Claims Court Administrative Judge may hear and determine proceedings in the Small Claims Court.
2. The Chief Justice of the Superior Court of Justice may delegate to the Small Claims Court Administrative Judge her or his powers to direct and supervise the sittings of the Small Claims Court and the assignment of its judicial duties.
3. The Small Claims Court Administrative Judge may be appointed as a member of the Deputy Judges Council.
4. The Small Claims Court Administrative Judge is a member of the Civil Rules Committee.

Finally, a number of spent transitional provisions are repealed, and a cross-reference is updated in clause 102 (8) (c) of the Act.

Justices of the Peace Act

Section 2.1 of the *Justices of the Peace Act* is amended by adding a provision providing for protection from liability for the Justices of the Peace Appointments Advisory Committee and its members.

Subsection 5.1 (1) of the Act is amended to require the Attorney General to change the status of a justice of the peace to per diem status on the request of the justice of the peace, if specified conditions are met.

Section 7 of the Act is amended to provide that letters of resignation are to be sent by justices of the peace to the Chief Justice of the Ontario Court of Justice rather than to the Attorney General.

Finally, a number of spent transitional provisions are repealed.

Legislation Act, 2006

The definition of “rules of court” in section 87 of the *Legislation Act, 2006* is amended consequentially to reflect the change in rule-making authority made by this Schedule to section 70 of the *Courts of Justice Act*.

Professional Engineers Act

Two housekeeping amendments are made to the *Professional Engineers Act*. Paragraph 16 of subsection 7 (1) of the Act is re-enacted to reflect earlier, related amendments to section 21 of the Act. And, in clause 28 (4) (h) of the Act the reference to the Treasurer of Ontario is updated.

Provincial Offences Act

A new section 70.1 is added to the *Provincial Offences Act*. This section requires defendants to pay certain collection costs incurred by a municipality when it collects on a fine in default. These collection costs are deemed to be part of the fine in default.

Open for Business Act, 2010

Subsection 5 (17) of Schedule 2 to the *Open for Business Act, 2010*, which would if it came into force repeal clause 12 (3) (a) of the *Professional Engineers Act*, is itself repealed. Clause 12 (3) (a) of the *Professional Engineers Act* provides that acts that are within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of a person’s employer in the production of products by the person’s employer, do not require

1. Le juge et chef de l’administration de la Cour des petites créances peut entendre et juger les instances dont est saisie la Cour des petites créances.
2. Le juge en chef de la Cour supérieure de justice peut déléguer au juge et chef de l’administration de la Cour des petites créances ses pouvoirs en matière d’administration et de surveillance des sessions de la Cour des petites créances et d’assignation des fonctions judiciaires de celle-ci.
3. Le juge et chef de l’administration de la Cour des petites créances peut être nommé membre du Conseil des juges suppléants.
4. Le juge et chef de l’administration de la Cour des petites créances est membre du Comité des règles en matière civile.

Enfin, plusieurs dispositions transitoires périmées sont abrogées et un renvoi est mis à jour à l’alinéa 102 (8) c) de la Loi.

Loi sur les juges de paix

L’article 2.1 de la *Loi sur les juges de paix* est modifié par adjonction d’une disposition accordant l’immunité au Comité consultatif sur la nomination des juges de paix et à ses membres.

Le paragraphe 5.1 (1) de la Loi est modifié de façon à exiger que le procureur général remplace, à la demande d’un juge de paix, sa désignation de juge de paix par celle de juge de paix mandaté sur une base journalière, s’il est satisfait à des conditions précises.

L’article 7 de la Loi est modifié de façon à prévoir que les juges de paix remettent leur lettre de démission au juge en chef de la Cour de justice de l’Ontario plutôt qu’au procureur général.

Enfin, plusieurs dispositions transitoires périmées sont abrogées.

Loi de 2006 sur la législation

Une modification corrélative est apportée à la définition de «règles de pratique» à l’article 87 de la *Loi de 2006 sur la législation* pour tenir compte de la modification relative au pouvoir d’établir des règles apportée par la présente annexe à l’article 70 de la *Loi sur les tribunaux judiciaires*.

Loi sur les ingénieurs

Deux modifications d’ordre administratif sont apportées à la *Loi sur les ingénieurs*. La disposition 16 du paragraphe 7 (1) de la Loi est réécrite pour tenir compte de modifications connexes apportées antérieurement à l’article 21 de la Loi et, à l’alinéa 28 (4) h) de la Loi, la mention du trésorier de l’Ontario est actualisée.

Loi sur les infractions provinciales

L’article 70.1 est ajouté à la *Loi sur les infractions provinciales*. Ce nouvel article exige que les défendeurs paient certains frais de recouvrement qu’engage une municipalité pour recouvrer une amende en cas de défaut de paiement. Ces frais de recouvrement sont réputés faire partie de l’amende impayée.

Loi de 2010 favorisant un Ontario propice aux affaires

Le paragraphe 5 (17) de l’annexe 2 de la *Loi de 2010 favorisant un Ontario propice aux affaires*, qui visait à abroger, s’il était entré en vigueur, l’alinéa 12 (3) a) de la *Loi sur les ingénieurs*, est lui-même abrogé. L’alinéa 12 (3) a) de la *Loi sur les ingénieurs* prévoit qu’il n’est pas requis, sauf dans certaines circonstances, d’être titulaire d’un permis, d’un permis temporaire, d’un permis provisoire, d’un permis restreint ou d’un certificat d’autorisation pour accomplir les actes relevant de l’exercice de

a licence, temporary licence, provisional licence, limited licence or certificate of authorization except in certain circumstances.

SCHEDULE 3 BULK SALES ACT REPEAL

The Schedule repeals the *Bulk Sales Act* and makes consequential amendments to other Acts.

SCHEDULE 4 INTERNATIONAL CHOICE OF COURT AGREEMENTS CONVENTION ACT, 2016

The Schedule implements the Hague Convention of 30 June 2005 on Choice of Court Agreements.

SCHEDULE 5 INTERNATIONAL COMMERCIAL ARBITRATION ACT, 2016

The Schedule repeals and replaces the *International Commercial Arbitration Act*. The replacement Act provides for the application in Ontario of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted by the United Nations Conference on International Commercial Arbitration in New York on 10 June 1958, and of the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law on 21 June 1985, as amended by the United Nations Commission on International Trade Law on 7 July 2006.

In addition, the *Arbitration Act, 1991* and the *Limitations Act, 2002* are amended to align limitation periods applicable to the commencement of proceedings to enforce awards made under the *Arbitration Act, 1991* and awards to which the *International Commercial Arbitration Act, 2016* applies, and to provide that those limitation periods apply instead of the limitation periods established under the *Limitations Act, 2002*.

SCHEDULE 6 INTERNATIONAL ELECTRONIC COMMUNICATIONS CONVENTION ACT, 2016

The Schedule implements the United Nations Convention on the Use of Electronic Communications in International Contracts.

SCHEDULE 7 INTERNATIONAL RECOGNITION OF TRUSTS ACT, 2016

The Schedule implements the Convention on the Law Applicable to Trusts and on their Recognition.

SCHEDULE 8 INTERNATIONAL SALE OF GOODS ACT AMENDMENTS

The Schedule amends the *International Sale of Goods Act* to provide for the implementation in Ontario of the Convention on the Limitation Period in the International Sale of Goods and of the Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol amending the Convention on the Limitation Period in the International Sale of Goods. In consequence, the title of the Act is changed to the *International Sales Conventions Act*.

The Schedule makes a consequential amendment to the *Limitations Act, 2002*, to provide that it does not apply to proceedings to which one of the Conventions on limitation periods applies.

la profession d'ingénieur et se rapportant à la machinerie ou au matériel, autre que le matériel de structure, qui sert dans les installations de l'employeur de l'intéressé pour la fabrication de produits par cet employeur.

ANNEXE 3 ABROGATION DE LA LOI SUR LA VENTE EN BLOC

L'annexe abroge la *Loi sur la vente en bloc* et apporte des modifications corrélatives à d'autres lois.

ANNEXE 4 LOI DE 2016 SUR LA CONVENTION SUR LES ACCORDS D'ÉLECTION DE FOR INTERNATIONAUX

L'annexe met en oeuvre la Convention de La Haye du 30 juin 2005 sur les accords d'élection de for.

ANNEXE 5 LOI DE 2016 SUR L'ARBITRAGE COMMERCIAL INTERNATIONAL

L'annexe abroge et remplace la *Loi sur l'arbitrage commercial international*. La nouvelle loi prévoit l'application en Ontario de la Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères que la Conférence des Nations Unies sur l'arbitrage commercial international a adoptée à New York le 10 juin 1958 et de la *Loi type sur l'arbitrage commercial international* que la Commission des Nations Unies pour le droit commercial international a adoptée le 21 juin 1985 et qu'elle a amendée le 7 juillet 2006.

En outre, la *Loi de 1991 sur l'arbitrage* et la *Loi de 2002 sur la prescription des actions* sont modifiées pour harmoniser les délais de prescription applicables à l'introduction d'instances visant à exécuter des sentences rendues en vertu de la *Loi de 1991 sur l'arbitrage* et des sentences visées par la *Loi de 2016 sur l'arbitrage commercial international*, et pour prévoir que ces délais de prescription s'appliquent plutôt que ceux créés en application de la *Loi de 2002 sur la prescription des actions*.

ANNEXE 6 LOI DE 2016 SUR LA CONVENTION SUR LES COMMUNICATIONS ÉLECTRONIQUES INTERNATIONALES

L'annexe met en oeuvre la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux.

ANNEXE 7 LOI DE 2016 SUR LA RECONNAISSANCE INTERNATIONALE DES FIDUCIES

L'annexe met en oeuvre la Convention relative à la loi applicable au trust et à sa reconnaissance.

ANNEXE 8 MODIFICATIONS DE LA LOI SUR LA VENTE INTERNATIONALE DE MARCHANDISES

L'annexe modifie la *Loi sur la vente internationale de marchandises* pour prévoir la mise en oeuvre en Ontario de la Convention sur la prescription en matière de vente internationale de marchandises et de la Convention sur la prescription en matière de vente internationale de marchandises modifiée par le Protocole modifiant la Convention sur la prescription en matière de vente internationale de marchandises. En conséquence, le titre de la Loi est remplacé par celui de *Loi sur les conventions de vente internationale*.

L'annexe apporte une modification corrélatrice à la *Loi de 2002 sur la prescription des actions* pour prévoir que cette loi ne s'applique pas aux instances auxquelles s'applique l'une des Conventions sur la prescription.

**SCHEDULE 9
MINISTRY OF CITIZENSHIP
AND IMMIGRATION**

The Schedule amends the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* and makes complementary amendments to other Acts. Employees of the Office of the Fairness Commissioner are appointed under Part III of the *Public Service of Ontario Act, 2006*.

**SCHEDULE 10
MINISTRY OF ENERGY**

Electricity Act, 1998

The Schedule amends the *Electricity Act, 1998* to provide market participants with a more flexible appeals process that allows the Ontario Energy Board up to 120 days to make a final decision in an appeal from an amendment of the market rules.

Ontario Energy Board Act, 1998

The Schedule makes several amendments to the *Ontario Energy Board Act, 1998*. Among the amendments:

1. It is provided that the Ontario Energy Board ("the Board") may exercise its powers with respect to a regulated utility even where a liquidator or similar official has been appointed with respect to the regulated utility.
2. The Board is given the power to make rules and licence conditions respecting the periods during which gas or electricity may not be disconnected from low-volume consumers.
3. The specific timing periods for the Board's orders respecting the reflection in rates of deferral and variance accounts are removed.
4. The Board is given the power to publish audit and compliance results of an inspection, subject to a determination of confidentiality.
5. The Board is given increased discretion when reviewing acquisitions involving generators owning transmission or distribution assets or transmitters or distributors owning generation assets and also given the power to exempt certain minor transactions from review.

**SCHEDULE 11
MINISTRY OF THE ENVIRONMENT
AND CLIMATE CHANGE**

Environmental Protection Act

The Schedule amends the *Environmental Protection Act* to allow for prescribed instruments to cease to apply in respect of an activity at a site where a registration is in effect in respect of the activity under Part II.2 of the Act.

Other Acts

The Schedule amends each of the following Acts to include provisions relating to requirements that persons respond to reasonable inquiries for the purposes of determining compliance with the Act: the *Clean Water Act, 2006*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* and the *Toxics Reduction Act, 2009*.

**ANNEXE 9
MINISTÈRE DES AFFAIRES CIVIQUES
ET DE L'IMMIGRATION**

L'annexe modifie la *Loi de 2006 sur l'accès équitable aux professions réglementées et aux métiers à accréditation obligatoire* et apporte des modifications complémentaires à d'autres lois. Les employés du Bureau du commissaire à l'équité sont nommés aux termes de la partie III de la *Loi de 2006 sur la fonction publique de l'Ontario*.

**ANNEXE 10
MINISTÈRE DE L'ÉNERGIE**

Loi de 1998 sur l'électricité

L'annexe modifie la *Loi de 1998 sur l'électricité* afin d'offrir aux intervenants du marché un processus d'appel plus souple qui donne à la Commission de l'énergie de l'Ontario jusqu'à 120 jours pour rendre une décision définitive dans un appel d'une modification apportée aux règles du marché.

Loi de 1998 sur la Commission de l'énergie de l'Ontario

L'annexe apporte diverses modifications à la *Loi de 1998 sur la Commission de l'énergie de l'Ontario*, dont les suivantes :

1. La Commission de l'énergie de l'Ontario (la «Commission») est autorisée à exercer ses pouvoirs à l'égard d'un service public réglementé, même si un liquidateur ou un agent semblable a été nommé à son égard.
2. La Commission se voit conférer le pouvoir d'adopter des règles et d'assortir les permis de conditions concernant les périodes pendant lesquelles l'approvisionnement en gaz ou en électricité fourni aux petits consommateurs ne peut pas être débranché.
3. Les fréquences auxquelles la Commission doit rendre des ordonnances à l'égard de la prise en compte des comptes de report ou d'écart dans les tarifs ne sont plus explicitement indiquées.
4. La Commission se voit conférer le pouvoir de publier les résultats d'une inspection en matière de vérification et de conformité, sous réserve d'une décision quant à leur confidentialité.
5. Le pouvoir discrétionnaire de la Commission est renforcé en ce qui concerne l'examen d'acquisitions auxquelles sont parties des producteurs propriétaires d'éléments d'actif de transport ou de distribution ou des transporteurs ou distributeurs propriétaires d'éléments d'actif de production. Par ailleurs, la Commission est habilitée à soustraire certaines opérations mineures à cet examen.

**ANNEXE 11
MINISTÈRE DE L'ENVIRONNEMENT
ET DE L'ACTION EN MATIÈRE
DE CHANGEMENT CLIMATIQUE**

Loi sur la protection de l'environnement

L'annexe modifie la *Loi sur la protection de l'environnement* de sorte que les actes prescrits cessent de s'appliquer à une activité exercée sur un site à l'égard de laquelle un enregistrement visé à la partie II.2 de la Loi est en vigueur.

Autres lois

L'annexe modifie chacune des lois suivantes pour inclure des dispositions exigeant des personnes qu'elles répondent aux demandes raisonnables de renseignements afin de déterminer si elles se conforment à la Loi : la *Loi de 2006 sur l'eau saine*, la *Loi de 2002 sur la gestion des éléments nutritifs*, la *Loi sur les ressources en eau de l'Ontario*, la *Loi sur les pesticides*, la *Loi de 2002 sur la salubrité de l'eau potable* et la *Loi de 2009 sur la réduction des toxiques*.

The Schedule makes other minor amendments, including technical amendments, to various Acts.

SCHEDULE 12 MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

Business Corporations Act

Currently, with certain exceptions, a meeting of the board of directors of a corporation must be held at its registered office. An amendment provides that unless the articles or by-laws of a corporation provide otherwise, a meeting of the board of directors may be held at any place. The Schedule also makes certain technical amendments.

Business Regulation Reform Act, 1994

The Schedule amends the Act in respect of business identifiers. Currently, the Minister responsible for the administration of section 8 of the Act may enter into agreements with certain types of entities to require those entities to use the system of business identifiers that is established under the Act. The amendment allows the Minister to enter into these agreements with two additional types of entities: corporations that administer a designated Act (or provisions of a designated Act) on behalf of the Government of Ontario; Crown corporations that exercise powers or perform duties under a designated Act.

Consumer Protection Act, 2002

The Director under the Act may enter into an agreement with other entities that will disclose information to the Ministry for the purpose of making the information publicly available. Those entities include another ministry of the Government of Ontario, a corporation that administers Ontario legislation, an Ontario agency, board or commission, a municipality or the Government of Canada.

The Ministry may mediate a complaint received under section 105 of the Act if the parties to the complaint agree to mediation. The Ministry may request in writing that either party to a mediation provide to the Ministry documents or other evidence that are relevant to the complaint.

In addition to the powers of inspection involving entering a place, an inspector may contact any person who is in control of the operations of a supplier and may exercise the powers that he or she has to conduct an inspection with respect to the supplier or person, if the inspector establishes that the supplier is subject to the Act and that the person is in control of the operations of the supplier.

The power of the Director to delegate order-making powers to an inspector is expanded to include powers to make a proposal under specified sections of the Act.

Freedom of Information and Protection of Privacy Act

Municipal Freedom of Information and Protection of Privacy Act

Currently, each Act requires a person seeking access to a record to make a request in writing to the institution that the person believes has custody or control of the record. The Schedule amends each Act to require the person to specify that the request is being made under the Act.

Land Titles Act

The definition of "fraudulent instrument" in the Act is made more general by removing specific examples of fraud.

When easements are registered under section 39 of the Act, the Director of Titles is allowed to determine the evidence required for recording the easements on title and the manner of recording them.

L'annexe apporte d'autres modifications mineures, y compris des modifications de forme, à diverses lois.

ANNEXE 12 MINISTÈRE DES SERVICES GOUVERNEMENTAUX ET DES SERVICES AUX CONSOMMATEURS

Loi sur les sociétés par actions

À l'heure actuelle, avec certaines exceptions, les réunions du conseil d'administration d'une société doivent se tenir à son siège social. Une modification prévoit que, sauf disposition contraire des statuts ou des règlements administratifs de la société, les réunions du conseil d'administration peuvent se tenir n'importe où. L'annexe apporte également certaines modifications de forme.

Loi de 1994 portant réforme de la réglementation des entreprises

L'annexe modifie la Loi en ce qui concerne les identificateurs d'entreprises. À l'heure actuelle, le ministre chargé de l'application de l'article 8 de la Loi peut conclure des accords avec certains types d'entités pour exiger qu'elles utilisent le système d'identificateurs d'entreprises établi en vertu de la Loi. La modification autorise le ministre à conclure ces accords avec deux autres types d'entités : les personnes morales qui appliquent une loi désignée (ou des dispositions d'une loi désignée) pour le compte du gouvernement de l'Ontario et les sociétés de la Couronne qui exercent les pouvoirs ou les fonctions que leur attribue une loi désignée.

Loi de 2002 sur la protection du consommateur

Le directeur au sens de la Loi peut conclure un accord avec d'autres entités qui divulgueront des renseignements au ministère dans le but de les rendre publics. Ces entités comprennent un autre ministère du gouvernement de l'Ontario, une société qui applique des textes législatifs de l'Ontario, un organisme, un conseil ou une commission de l'Ontario, une municipalité ou le gouvernement du Canada.

Le ministère peut régler une plainte reçue en vertu de l'article 105 de la Loi par la médiation si les parties à la plainte acceptent la médiation. Le ministère peut demander par écrit à chaque partie à la médiation de lui fournir les documents ou autres preuves se rapportant à la plainte.

En plus de ses pouvoirs d'inspection lui donnant le droit de pénétrer dans un lieu, l'inspecteur peut communiquer avec n'importe quelle personne ayant le contrôle des activités du fournisseur, et peut exercer ses pouvoirs d'inspection à l'égard du fournisseur ou de la personne s'il établit que le fournisseur est assujéti à la Loi et que la personne a le contrôle des activités du fournisseur.

Le pouvoir du directeur de déléguer le pouvoir de prendre une ordonnance est élargi pour inclure la délégation du pouvoir d'envisager de prendre une ordonnance en vertu de certains articles de la Loi.

Loi sur l'accès à l'information et la protection de la vie privée

Loi sur l'accès à l'information municipale et la protection de la vie privée

Chacune de ces lois exige actuellement que la personne qui demande l'accès à un document s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document. L'annexe modifie chaque loi pour exiger aussi que la personne précise que la demande est présentée en vertu de la Loi.

Loi sur l'enregistrement des droits immobiliers

La définition de «acte frauduleux» dans la Loi est rendue plus générale par la suppression d'exemples précis de fraudes.

Lorsqu'une servitude est enregistrée en vertu de l'article 39 de la Loi, le directeur des droits immobiliers est autorisé à déterminer la preuve requise pour consigner la servitude sur le titre ainsi que la façon de le faire.

To prove their percentage of ownership, co-owners are no longer required to provide an affidavit, but instead are required to provide the proof that the Director of Titles requires.

Personal Property Security Act

A secured party is no longer required to provide a copy of a verification statement to a debtor within 30 days after the date of registration of a financing statement or financing change statement, if the debtor waives the right to receive a copy. The Schedule also makes a technical amendment to the French version of the Act.

Technical Standards and Safety Act, 2000

The Schedule imposes a deadline of 90 days for an appeal to a director under section 22 of the Act.

SCHEDULE 13 MINISTRY OF LABOUR

Protecting Child Performers Act, 2015

The Schedule amends the *Protecting Child Performers Act, 2015* in respect of overnight travel expenses, the number of hours a child performer may work in a day, rules relating to breaks and requirements for individualized adult accompaniment.

Registered Human Resources Professionals Act, 2013

The Schedule amends the *Registered Human Resources Professionals Act, 2013* authorizing certain members of the Human Resources Professionals Association to perform workplace investigations.

SCHEDULE 14 MINISTRY OF NATURAL RESOURCES AND FORESTRY

Crown Forest Sustainability Act, 1994

The Schedule amends the *Crown Forest Sustainability Act, 1994* to change the maximum term of a forest resource licence granted under section 27 of the Act from five years to 10 years and to change the maximum renewal term of such a licence from one year to two years. The Schedule also allows for documents that are incorporated by reference in manuals prepared under section 68 and in regulations made under section 69, to be incorporated as those documents may be amended from time to time.

Fish and Wildlife Conservation Act, 1997

The Schedule amends the *Fish and Wildlife Conservation Act, 1997*.

Subsection 1 (1) of the Act currently defines furbearing mammal, game amphibian, game bird, game mammal and game reptile, as well as specially protected amphibian, specially protected bird, specially protected invertebrate, specially protected mammal, specially protected raptor and specially protected reptile as a member of the corresponding species set out in Schedules 1 to 11 to the Act or prescribed by the regulations as such a species. Schedules 1 to 11 are repealed and the definitions are amended to remove the references to the Schedules.

Subsection 1 (7) is amended to specify applicable criteria for determining when an electronic ignition muzzle-loading gun is considered a loaded firearm for the purposes of the Act.

Currently, under subsection 6 (2), the holder of a licence to trap furbearing mammals is authorized to trap or hunt wildlife referred to in that subsection to the extent that the open season

Pour prouver la proportion dont ils sont propriétaires, les copropriétaires ne sont plus tenus de fournir un affidavit, mais plutôt de fournir au directeur des droits immobiliers la preuve qu'il exige.

Loi sur les sûretés mobilières

Le créancier garanti n'est plus tenu de remettre une copie de l'état de vérification au débiteur dans les 30 jours de la date d'enregistrement de l'état de financement ou de l'état de modification du financement, si le débiteur a renoncé au droit d'en recevoir une copie. L'annexe apporte également une modification de forme à la version française de la Loi.

Loi de 2000 sur les normes techniques et la sécurité

L'annexe impose un délai de 90 jours pour interjeter appel devant un directeur en vertu de l'article 22 de la Loi.

ANNEXE 13 MINISTÈRE DU TRAVAIL

Loi de 2015 sur la protection des enfants artistes

L'annexe modifie la *Loi de 2015 sur la protection des enfants artistes* à l'égard des dépenses pour déplacement de plus de 24 heures, du nombre d'heures que les enfants artistes peuvent travailler au cours d'une journée, des règles relatives aux pauses et des exigences concernant l'accompagnement individuel par un adulte.

Loi de 2013 sur les professionnels en ressources humaines inscrits

L'annexe modifie la *Loi de 2013 sur les professionnels en ressources humaines inscrits* afin d'autoriser certains membres de l'Association des professionnels en ressources humaines à faire des enquêtes en milieu de travail.

ANNEXE 14 MINISTÈRE DES RICHESSES NATURELLES ET DES FORÊTS

Loi de 1994 sur la durabilité des forêts de la Couronne

L'annexe modifie la *Loi de 1994 sur la durabilité des forêts de la Couronne* pour faire passer la durée maximale d'un permis forestier accordé en vertu de l'article 27 de la Loi de cinq ans à 10 ans et pour faire passer la durée maximale de la période de renouvellement d'un tel permis d'un an à deux ans. L'annexe prévoit aussi que les documents qui sont adoptés par renvoi dans des manuels rédigés en application de l'article 68 et des règlements pris en vertu de l'article 69 puissent être adoptés dans leurs versions successives.

Loi de 1997 sur la protection du poisson et de la faune

L'annexe modifie la *Loi de 1997 sur la protection du poisson et de la faune*.

À l'heure actuelle, le paragraphe 1 (1) de la Loi définit les mammifères à fourrure, les amphibiens gibier, le gibier à plume, les mammifères gibier et les reptiles gibier de même que les amphibiens spécialement protégés, les oiseaux spécialement protégés, les invertébrés spécialement protégés, les mammifères spécialement protégés, les rapaces spécialement protégés et les reptiles spécialement protégés comme étant des membres de l'espèce correspondante mentionnée aux annexes 1 à 11 de la Loi ou prescrite par les règlements comme étant une telle espèce. Les annexes 1 à 11 sont abrogées et les définitions sont modifiées pour en supprimer la mention.

Le paragraphe 1 (7) est modifié pour préciser les critères servant à déterminer dans quel cas un fusil à allumage électronique qui se charge par la bouche est considéré comme étant une arme à feu chargée pour l'application de la Loi.

Le paragraphe 6 (2) autorise actuellement le titulaire d'un permis de piégeage des mammifères à fourrure à chasser ou piéger les animaux sauvages mentionnés à ce paragraphe dans la me-

falls within the period from September 1 in a year to June 30 of the following year. The subsection is amended to also authorize the holder to hunt the wildlife referred to in the subsection to the extent that the open season falls within any additional period prescribed by the regulations. A related regulation-making power is added to section 112.

Currently, subsection 16 (1) prohibits a person who is in possession of a firearm for the purpose of hunting or trapping from discharging or handling the firearm without due care and attention or without reasonable consideration for people or property, and subsection 16 (2) requires a person to report injuries caused by the discharge of a firearm while the person is in possession of the firearm for the purpose of hunting or trapping. The subsections are amended to also apply to a person who is in possession of a firearm for the purpose of fishing.

Currently, under clause 31 (3) (b), a white-tailed deer, an American elk and other prescribed wildlife may not be harassed, captured or killed in protection of property unless it is done in accordance with the authorization of the Minister of Natural Resources and Forestry. Clause 31 (3) (b) is amended to provide that this may also be done in circumstances prescribed by the regulations. A related regulation-making power is added to section 112.

Under new section 72.1, the Minister may refuse to issue to a person who is in default of the payment of a fine imposed for an offence under the Act or the *Fisheries Act* (Canada) any licence under the Act or any component of a licence under the Act, until the fine is paid.

Current subsection 76 (1) provides that Minister's notices of refusal or cancellation of a licence referred to in that subsection shall be served personally or by registered mail. Section 76 is re-enacted to provide that these notices shall be served personally, by mail or by any other method prescribed by the regulations. A related regulation-making power is added to section 112.

Current clause 104 (1) (c) provides that if a person is convicted of an offence for the careless use of a firearm under subsection 16 (1), the court shall order that before applying for a licence to hunt, the person shall complete a hunter education course prescribed by the regulations and pass an examination for applicants for licences to hunt. Clause 104 (1) (c) is re-enacted to provide that the court shall order that before applying for a licence to hunt, the person shall complete the educational requirements and pass the examinations prescribed by the regulations for the licence.

New section 114.1 provides that regulations that adopt documents by reference may adopt the documents as they may be amended from time to time after the regulations are made.

The Schedule makes several housekeeping amendments to the Act, including an amendment to update the definition of "Ontario Fishery Regulations" in subsection 1 (1) and an amendment to update the cross-reference to a federal Act in subsection 87 (2).

Lakes and Rivers Improvement Act

The Schedule amends clause 14 (3) (a) of the *Lakes and Rivers Improvement Act* which requires a person applying for the Minister's approval of the plan and specifications for the construction of a dam in a lake or river to submit three copies of the plans and specification with the application. The amendment would require the person to submit the number of copies of the plans and specifications that the Minister requires up to a maximum of three copies. A couple of technical amendments are also made to the Act.

sure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante. Le paragraphe est modifié pour aussi autoriser le titulaire à chasser les animaux sauvages mentionnés à ce paragraphe dans la mesure où la saison de chasse tombe dans toute période additionnelle prescrite par les règlements. Un pouvoir réglementaire connexe est ajouté à l'article 112.

Le paragraphe 16 (1) interdit actuellement à une personne ayant une arme à feu en sa possession en vue de chasser ou de tendre des pièges de la décharger ou de la manipuler sans prendre les précautions nécessaires ou sans égard raisonnable à autrui ou à des biens, et le paragraphe 16 (2) exige d'une personne qu'elle signale toute blessure causée par la décharge d'une arme à feu pendant que la personne est en possession de l'arme à feu en vue de chasser ou de tendre des pièges. Les paragraphes sont modifiés pour s'appliquer également à une personne qui est en possession d'une arme à feu en vue de pêcher.

L'actuel alinéa 31 (3) (b) prévoit qu'une personne ne peut harceler, capturer ou tuer, aux fins de protection des biens, un cerf de Virginie, un cerf wapiti ou un autre animal sauvage que prescrivent les règlements, à moins de le faire conformément à l'autorisation du ministre des Richesses naturelles et des Forêts. L'alinéa est modifié pour prévoir que cela peut également être fait dans les circonstances que prescrivent les règlements. Un pouvoir réglementaire connexe est ajouté à l'article 112.

Aux termes du nouvel article 72.1, le ministre peut refuser de délivrer tout permis visé par la Loi ou tout élément de celui-ci à la personne qui n'a pas payé une amende imposée relativement à une infraction visée à la Loi ou à la *Loi sur les pêches* (Canada) tant que l'amende n'est pas acquittée.

Le paragraphe 76 (1) prévoit actuellement que les avis de refus ou d'annulation d'un permis signifiés par le ministre et visés à ce paragraphe doivent être signifiés à personne ou par courrier recommandé. L'article 76 est réédité pour prévoir que ces avis doivent être signifiés à personne, par courrier ou par tout autre mode prescrit par les règlements. Un pouvoir réglementaire connexe est ajouté à l'article 112.

L'alinéa 104 (1) c) prévoit actuellement que si une personne est déclarée coupable d'une infraction au paragraphe 16 (1) pour avoir utilisé une arme à feu de manière imprudente, le tribunal doit ordonner qu'avant de demander un permis de chasse, la personne termine avec succès un cours de formation des chasseurs prescrit par les règlements et réussisse un examen établi pour les auteurs d'une demande de permis de chasse. L'alinéa est réédité pour prévoir que le tribunal doit ordonner qu'avant de demander un permis de chasse, la personne satisfasse aux exigences en matière de formation prescrites par les règlements pour le permis et réussisse les examens prescrits par les règlements pour le permis.

Le nouvel article 114.1 prévoit que les règlements qui adoptent des documents par renvoi peuvent les adopter dans leurs versions successives postérieures à la prise des règlements.

L'annexe apporte un certain nombre de modifications d'ordre administratif à la Loi, notamment une modification visant à mettre à jour la définition de «règlements de la pêche en Ontario» au paragraphe 1 (1) et une modification visant à mettre à jour le renvoi à une loi fédérale au paragraphe 87 (2).

Loi sur l'aménagement des lacs et des rivières

L'annexe modifie l'alinéa 14 (3) a) de la *Loi sur l'aménagement des lacs et des rivières*, lequel exige que la personne qui présente au ministre une demande d'approbation de plans et devis en vue de la construction d'un barrage sur un lac ou une rivière joigne à la demande trois copies des plans et devis. Désormais, la personne devra joindre le nombre de copies qu'exige le ministre, celui-ci ne pouvant en exiger plus de trois. Plusieurs modifications de forme sont également apportées à la Loi.

Public Lands Act

The Schedule amends the *Public Lands Act* to add a provision that entitles a person to occupy public lands for the purpose of erecting or placing on the public lands, and using, a building, structure or things of a prescribed type or class or that meets prescribed specifications. No lease, licence, permit or other instrument under the Act is required to authorize the occupation of public lands under this provision. Rules respecting the occupation of public lands are specified in the Act and the regulations. A person who occupies public lands under this new provision must vacate the public lands and remove the buildings, structures or things from the public lands when required to do so by regulation or by notice given by the Minister.

SCHEDULE 15 MINISTRY OF NORTHERN DEVELOPMENT AND MINES

The Schedule amends section 10 of the *Ministry of Northern Development, Mines and Forestry Act* to give the Minister the power to establish programs under that section. Currently the programs are established by the Lieutenant Governor in Council on the recommendation of the Minister.

SCHEDULE 16 MINISTRY OF TOURISM, CULTURE AND SPORT

Ontario Place Corporation Act

The Schedule amends the Act to broaden the objects of Ontario Place Corporation.

Section 9 of the Act is amended to broaden Ontario Place Corporation's development, acquisition, construction, operation, maintenance and management powers. Ontario Place Corporation is also given the power to acquire and dispose of land or any interest in land, subject to the Lieutenant Governor in Council's approval.

SCHEDULE 17 MINISTRY OF TRANSPORTATION

Highway Traffic Act

The definition of "power-assisted bicycle" in subsection 1 (1) of the Act is amended to specify that it must be fitted at all times with pedals that are operable and is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals. Related amendments are made to section 82 of the Act: subsections 82 (2) and (3) are re-enacted to give police officers and transportation enforcement officers the power to require that power-assisted bicycles be submitted for examinations and tests. A consequential amendment is made to Bill 173, the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 if the amendments to subsections 82 (2) and (3) of the *Highway Traffic Act* in that Act are not in force before the re-enactments of those subsections in this Schedule are in force.

Current subsection 62 (14) of the Act permits the use of flashing red hazard lights. Subsection 62 (14) is re-enacted to permit the use of flashing red turning signal lights as well.

Under new section 110.5, over-dimensional vehicle escorts may be appointed; they will have the authority to direct traffic or close highways while escorting vehicles or combinations of vehicles that exceed the Act's dimensional or weight limits. A consequential amendment is made to subsection 146.1 (5) of the

Loi sur les terres publiques

L'annexe modifie la *Loi sur les terres publiques* pour y ajouter une disposition donnant à une personne le droit d'occuper des terres publiques afin d'y construire ou placer et d'y utiliser un bâtiment, une structure ou un objet d'un type ou d'une catégorie prescrit ou qui est conforme aux caractéristiques prescrites. Aucun bail, permis ou autre acte prévu par la Loi n'est requis afin d'autoriser l'occupation des terres publiques en application de cette disposition. Les règles régissant l'occupation des terres publiques sont précisées dans la Loi et les règlements. Toute personne qui occupe des terres publiques en vertu de la nouvelle disposition doit les quitter et enlever les bâtiments, structures ou objets qui s'y trouvent si elle est tenue de le faire par règlement ou par avis donné par le ministre.

ANNEXE 15 MINISTÈRE DU DÉVELOPPEMENT DU NORD ET DES MINES

L'annexe modifie l'article 10 de la *Loi sur le ministère du Développement du Nord, des Mines et des Forêts* afin d'accorder au ministre le pouvoir de mettre sur pied des programmes en vertu de cet article. À l'heure actuelle, les programmes sont mis sur pied par le lieutenant-gouverneur en conseil, sur la recommandation du ministre.

ANNEXE 16 MINISTÈRE DU TOURISME, DE LA CULTURE ET DU SPORT

Loi sur la Société d'exploitation de la Place de l'Ontario

L'annexe modifie la *Loi sur la Société d'exploitation de la Place de l'Ontario* afin d'élargir les buts de la Société d'exploitation de la Place de l'Ontario.

L'article 9 de la Loi est modifié en vue d'étendre les pouvoirs de développement, d'acquisition, de construction, d'exploitation, d'entretien et de gestion de la Société d'exploitation de la Place de l'Ontario. La Société d'exploitation de la Place de l'Ontario est également investie du pouvoir d'acquisition et d'aliénation de biens-fonds ou de tout intérêt sur des biens-fonds, sous réserve de l'approbation du lieutenant-gouverneur en conseil.

ANNEXE 17 MINISTÈRE DES TRANSPORTS

Code de la route

La définition de «bicyclette assistée» au paragraphe 1 (1) du Code est modifiée pour préciser que la bicyclette doit être munie en tout temps de pédales pouvant être actionnées et peut en tout temps être propulsée sur une surface plane au moyen de pédales actionnées uniquement par la force musculaire. Des modifications connexes sont apportées à l'article 82 du Code. Par exemple, les paragraphes 82 (2) et (3) sont réécrits pour donner aux agents de police et aux agents d'exécution des règlements de la route le pouvoir d'exiger que des bicyclettes assistées soient présentées à des examens et à des vérifications. Une modification corrélative est apportée au projet de loi 173, *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, si les modifications aux paragraphes 82 (2) et (3) du *Code de la route* prévues dans cette loi ne sont pas en vigueur avant l'entrée en vigueur de la réédition de ces paragraphes dans la présente annexe.

À l'heure actuelle, le paragraphe 62 (14) du Code permet l'usage de feux de détresse rouges clignotants. Le paragraphe est réécrit pour permettre aussi l'usage d'un indicateur de changement de direction.

Le nouvel article 110.5 prévoit la nomination d'accompagnateurs de véhicules de dimensions excessives. Ces personnes seront investies du pouvoir de diriger la circulation ou de fermer des voies publiques lors de l'accompagnement de véhicules ou d'ensembles de véhicules dont les dimensions ou le poids excè-

Act to permit over-dimensional vehicle escorts to use traffic control stop and slow signs.

Current subsection 146.1 (2) of the Act permits firefighters to display a traffic control stop or slow sign when attending at an accident. This is re-enacted to permit firefighters to display the stop and slow signs when attending to any emergency on or adjacent to a roadway.

Current subsection 166 (1) of the Act requires vehicles, bicycles and horses that overtake a stopped street car taking on or discharging passengers to stay at least 2 metres behind the rear or front entrance or exit until the passengers are safely on the street car or the side of the street. This is re-enacted to refer to any door of the street car. The reference to bicycles in both subsections 166 (1) and (2) is deleted, because vehicle, by definition, includes a bicycle.

Section 174 of the Act is amended to provide that the requirements that public vehicles and school buses not change gears while crossing a railway crossing only applies to those vehicles with manual transmission.

Current subsection 202 (1) of the Act requires Crown attorneys and police officers to report fatal accidents to the Registrar of Motor Vehicles. This is re-enacted so that it no longer applies to Crown attorneys.

Current subsection 205.22 (1) of the Act provides that a defendant who has given notice of an intention to appear at trial and who fails to appear shall be deemed not to dispute the charge. This is re-enacted to say that a defendant is deemed to not wish to dispute the charge if the defendant has been issued a notice of the time and place of trial and fails to appear.

Section 210 of the Act requires that notice of convictions for certain specified offences be given to the Registrar of Motor Vehicles. Currently, subsection 210 (1.1) lists convictions under various Acts, including the *Highway Traffic Act*, committed by means of a motor vehicle, street car, vessel or motorized snow vehicle for which this notice must be given. Subsections 210 (1) and (1.1) are re-enacted to provide that a conviction for any offence under the *Highway Traffic Act* requires this notice.

In addition, housekeeping amendments are made as follows: the citation of the *Motor Vehicle Transport Act* (Canada) in sections 17 and 17.0.2 of the Act is corrected; reference to "a dishonoured cheque" in clause 46 (4) (d) is changed to "a dishonoured payment"; corrections are made to the French version of a number of provisions.

dent les limites prévues au Code. Une modification corrélative est apportée au paragraphe 146.1 (5) du Code pour permettre aux accompagnateurs de véhicules de dimensions excessives d'utiliser des panneaux d'arrêt et de ralentissement de la circulation.

À l'heure actuelle, le paragraphe 146.1 (2) du Code permet aux pompiers de faire usage d'un panneau d'arrêt ou de ralentissement de la circulation sur les lieux d'un accident. Le paragraphe est réédité pour permettre aux pompiers de faire usage d'un tel panneau dans le cadre d'une intervention en cas d'urgence sur une chaussée ou près d'une chaussée.

À l'heure actuelle, le paragraphe 166 (1) du Code exige que les véhicules, les bicyclettes et les chevaux qui rattrapent un tramway immobilisé pour permettre aux passagers d'y monter ou d'en descendre demeurent à au moins 2 mètres derrière l'entrée ou la sortie situées à l'avant ou à l'arrière jusqu'à ce que les passagers soient en sécurité dans le tramway ou se soient rendus en toute sécurité sur le côté de la rue. Le paragraphe est réédité pour faire mention de n'importe quelle porte du tramway. La mention de bicyclettes aux paragraphes 166 (1) et (2) est supprimée, car un véhicule, par définition, comprend une bicyclette.

L'article 174 du Code est modifié pour prévoir que les exigences selon lesquelles le conducteur d'un véhicule de transport en commun ou d'un autobus scolaire ne doit pas changer de vitesse pendant qu'il traverse un passage à niveau ne s'appliquent qu'aux conducteurs de véhicules à transmission manuelle.

Actuellement, le paragraphe 202 (1) du Code exige que les procureurs de la Couronne et les agents de police fassent rapport d'accidents mortels au registraire des véhicules automobiles. Le paragraphe est réédité pour qu'il ne s'applique plus aux procureurs de la Couronne.

À l'heure actuelle, le paragraphe 205.22 (1) du Code prévoit que le défendeur qui a donné avis de son intention de comparaître au procès et qui ne comparaît pas est réputé ne pas contester l'accusation. Le paragraphe est réédité pour préciser que le défendeur est réputé ne pas désirer contester l'accusation si un avis des date, heure et lieu de la tenue du procès lui a été délivré et qu'il ne comparaît pas au procès.

L'article 210 du Code exige que les avis de déclaration de culpabilité à l'égard de certaines infractions précisées soient remis au registraire des véhicules automobiles. Actuellement, le paragraphe 210 (1.1) énumère les infractions prévues à diverses lois, dont le *Code de la route*, commises au moyen d'un véhicule automobile, d'un tramway, d'un bateau ou d'une motoneige et à l'égard desquelles cet avis doit être remis. Les paragraphes 210 (1) et (1.1) sont réédités pour prévoir qu'une déclaration de culpabilité à l'égard de n'importe quelle infraction au Code exige la remise d'un tel avis.

Finalement, des modifications d'ordre administratif sont apportées au Code. La référence à la *Loi sur les transports routiers* (Canada) aux articles 17 et 17.0.2 du Code est corrigée. La mention de «chèque impayé» à l'alinéa 46 (4) d) est remplacée par «paiement refusé». Enfin, des corrections sont apportées à la version française d'un certain nombre de dispositions.

**An Act to reduce
the regulatory burden on business,
to enact various new Acts and
to make other amendments
and repeals**

**Loi visant à alléger le fardeau
réglementaire des entreprises,
à édicter diverses lois et à modifier
et abroger d'autres lois**

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Ministry of Agriculture, Food and Rural Affairs
Schedule 2	Ministry of the Attorney General
Schedule 3	Bulk Sales Act Repeal
Schedule 4	International Choice of Court Agreements Convention Act, 2016
Schedule 5	International Commercial Arbitration Act, 2016
Schedule 6	International Electronic Communications Convention Act, 2016
Schedule 7	International Recognition of Trusts Act, 2016
Schedule 8	International Sale of Goods Act Amendments
Schedule 9	Ministry of Citizenship and Immigration
Schedule 10	Ministry of Energy
Schedule 11	Ministry of the Environment and Climate Change
Schedule 12	Ministry of Government and Consumer Services
Schedule 13	Ministry of Labour
Schedule 14	Ministry of Natural Resources and Forestry
Schedule 15	Ministry of Northern Development and Mines
Schedule 16	Ministry of Tourism, Culture and Sport
Schedule 17	Ministry of Transportation

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1. This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2. (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Schedules

(2) The Schedules to this Act come into force as provided in each Schedule.

SOMMAIRE

1.	Contenu de la présente loi
2.	Entrée en vigueur
3.	Titre abrégé
Annexe 1	Ministère de l'Agriculture, de l'Alimentation et des Affaires rurales
Annexe 2	Ministère du Procureur général
Annexe 3	Abrogation de la Loi sur la vente en bloc
Annexe 4	Loi de 2016 sur la Convention sur les accords d'élection de for internationaux
Annexe 5	Loi de 2016 sur l'arbitrage commercial international
Annexe 6	Loi de 2016 sur la Convention sur les communications électroniques internationales
Annexe 7	Loi de 2016 sur la reconnaissance internationale des fiducies
Annexe 8	Modifications de la Loi sur la vente internationale de marchandises
Annexe 9	Ministère des Affaires civiles et de l'Immigration
Annexe 10	Ministère de l'Énergie
Annexe 11	Ministère de l'Environnement et de l'Action en matière de changement climatique
Annexe 12	Ministère des Services gouvernementaux et des Services aux consommateurs
Annexe 13	Ministère du Travail
Annexe 14	Ministère des Richesses naturelles et des Forêts
Annexe 15	Ministère du Développement du Nord et des Mines
Annexe 16	Ministère du Tourisme, de la Culture et du Sport
Annexe 17	Ministère des Transports

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Contenu de la présente loi

1. La présente loi est constituée du présent article, des articles 2 et 3 et de ses annexes.

Entrée en vigueur

2. (1) Sous réserve des paragraphes (2) et (3), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Annexes

(2) Les annexes de la présente loi entrent en vigueur comme le prévoit chacune d'elles.

**SCHEDULE 1
MINISTRY OF AGRICULTURE, FOOD
AND RURAL AFFAIRS**

**MINISTRY OF AGRICULTURE, FOOD
AND RURAL AFFAIRS ACT**

1. Clause 4 (a) of the *Ministry of Agriculture, Food and Rural Affairs Act* is amended by striking out “agriculture and food” and substituting “agriculture, food and rural affairs”.

2. The Act is amended by adding the following sections:

Agreements

6.1 The Minister may enter into agreements in respect of any matter that is under his or her administration under this or any other Act.

Establishment of programs by Minister

6.2 (1) The Minister may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs.

Contents of order

- (2) An order establishing a program shall set out,
- (a) the conditions under which services are to be provided under the program;
 - (b) the conditions under which any grants or other payments under the program may be made and the circumstances in which the grants and payments shall be repaid;
 - (c) any restrictions on whether a grant or the payment made under the program may be assigned, charged, attached or given as security, and the legal effect of any purported transaction that contravenes the restrictions; and
 - (d) the circumstances under which expenses incurred by participants in the program in connection with the program may be reimbursed by the Minister.

Fees

- (3) An order establishing a program may,
- (a) require that persons participating in the program or classes of such persons pay fees;
 - (b) fix the amount of the fees; and
 - (c) specify any circumstances in which the fees may be waived or refunded.

Delegation of program administration

(4) An order establishing a program may specify that any of the following persons are authorized to administer the program:

**ANNEXE 1
MINISTÈRE DE L'AGRICULTURE, DE
L'ALIMENTATION ET DES AFFAIRES RURALES**

**LOI SUR LE MINISTÈRE DE L'AGRICULTURE, DE
L'ALIMENTATION ET DES AFFAIRES RURALES**

1. L'alinéa 4 a) de la *Loi sur le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales* est modifié par remplacement de «de l'agriculture et de l'alimentation» par «de l'agriculture, de l'alimentation et des affaires rurales» à la fin de l'alinéa.

2. La Loi est modifiée par adjonction des articles suivants :

Accords

6.1 Le ministre peut conclure des accords en toute matière qui relève de son autorité en vertu de la présente loi ou de toute autre loi.

Mise sur pied de programmes par le ministre

6.2 (1) Le ministre peut, par arrêté, mettre sur pied des programmes visant à favoriser l'essor d'un secteur de l'agriculture, de l'alimentation ou des affaires rurales.

Contenu de l'arrêté

(2) L'arrêté qui met sur pied un programme énonce ce qui suit :

- a) les conditions qui régissent la fourniture des services dans le cadre du programme;
- b) les conditions qui régissent la façon dont les subventions sont versées et les paiements effectués dans le cadre du programme ainsi que les circonstances dans lesquelles ils doivent être remboursés;
- c) les restrictions au droit de céder, de grever ou d'accorder à titre de cautionnement la subvention versée ou le paiement effectué dans le cadre du programme ainsi que la portée juridique d'une prétendue opération qui contrevient aux restrictions;
- d) les circonstances dans lesquelles les dépenses faites par les participants au programme dans le cadre du programme peuvent être remboursées par le ministre.

Droits

- (3) L'arrêté qui met sur pied un programme peut :
- a) exiger que les personnes qui participent au programme ou que des catégories de ces personnes acquittent des droits;
 - b) fixer le montant des droits;
 - c) préciser les circonstances dans lesquelles les droits peuvent être remboursés et celles où une dispense de paiement peut être accordée.

Délégation de l'administration des programmes

(4) L'arrêté qui met sur pied un programme peut préciser que l'une ou l'autre des personnes suivantes est autorisée à administrer le programme :

1. A person employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the Ministry.
2. A person or entity other than a person described in paragraph 1 with whom the Minister enters into an agreement in respect of administering the program.

Municipal valuers

(5) If a program requires the appointment of valuers for the purposes of investigating or assessing damage to livestock or poultry caused by wild animals, the council of every municipality shall appoint one or more persons as valuers for that purpose.

Publication of order

(6) An order made under subsection (1) shall be published on the Government of Ontario's website.

Part III of *Legislation Act, 2006*

(7) Part III of the *Legislation Act, 2006* does not apply to an order made under this section.

3. (1) Subsection 7 (1) of the Act is repealed and the following substituted:

(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs.

(2) Section 7 of the Act is amended by adding the following subsections:

Part III of *Legislation Act, 2006*

(7) Part III of the *Legislation Act, 2006* does not apply to an order made under this section.

Transition to Minister's orders

(8) A program that was established by the Lieutenant Governor in Council under this section before the day section 2 of Schedule 1 of the *Burden Reduction Act, 2016* comes into force and that is still in effect on that day is deemed, on and after that day, to be a program established by the Minister under section 6.2.

Commencement

4. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

1. Une personne employée aux termes de la partie III de la *Loi de 2006 sur la fonction publique de l'Ontario* qui travaille au ministère ou lui fournit des services.
2. Une personne ou entité, à l'exclusion d'une personne visée à la disposition 1, avec laquelle le ministre conclut un accord à l'égard de l'administration du programme.

Évaluateurs municipaux

(5) Le conseil de chaque municipalité nomme un ou plusieurs évaluateurs chargés d'enquêter sur les dommages causés au bétail ou aux volailles par des animaux sauvages, ou d'évaluer ceux-ci, si un programme exige la nomination de tels évaluateurs.

Publication des arrêtés

(6) Les arrêtés pris en vertu du paragraphe (1) sont publiés sur le site Web du gouvernement de l'Ontario.

Partie III de la *Loi de 2006 sur la législation*

(7) La partie III de la *Loi de 2006 sur la législation* ne s'applique pas aux arrêtés pris en vertu du présent article.

3. (1) Le paragraphe 7 (1) de la Loi est abrogé et remplacé par ce qui suit :

(1) Sur la recommandation du ministre, le lieutenant-gouverneur en conseil peut, par décret, mettre sur pied des programmes visant à favoriser l'essor d'un secteur de l'agriculture, de l'alimentation ou des affaires rurales.

(2) L'article 7 de la Loi est modifié par adjonction des paragraphes suivants :

Partie III de la *Loi de 2006 sur la législation*

(7) La partie III de la *Loi de 2006 sur la législation* ne s'applique pas aux décrets pris en vertu du présent article.

Passage au régime des arrêtés pris par le ministre

(8) Un programme qui a été mis sur pied par le lieutenant-gouverneur en conseil en vertu du présent article avant le jour de l'entrée en vigueur de l'article 2 de l'annexe 1 de la *Loi de 2016 sur l'allègement du fardeau réglementaire* et qui est toujours en vigueur ce jour-là est réputé, à compter de ce jour, avoir été mis sur pied par le ministre en vertu de l'article 6.2.

Entrée en vigueur

4. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

SCHEDULE 2
MINISTRY OF THE ATTORNEY GENERAL
COURTS OF JUSTICE ACT

1. Section 14 of the *Courts of Justice Act* is amended by adding the following subsection:

Small Claims Court Administrative Judge

(5.1) The Chief Justice of the Superior Court of Justice may delegate to the Small Claims Court Administrative Judge appointed under section 87.2 his or her powers and duties under subsection (1) in respect of the Small Claims Court, subject to such conditions or restrictions as he or she may specify.

2. Clause 21 (2) (b) of the Act is amended by striking out “a provincial judge or a deputy judge” and substituting “a person referred to in subsection 24 (2)”.

3. Subsection 24 (2) of the Act is repealed and the following substituted:

Other judicial officials who may preside

(2) Despite subsection (1), a proceeding in the Small Claims Court may also be heard and determined by,

- (a) a provincial judge who was assigned to the Provincial Court (Civil Division) immediately before the 1st day of September, 1990;
- (b) a deputy judge appointed under section 32; or
- (c) the Small Claims Court Administrative Judge appointed under section 87.2.

4. Clause 33 (2) (d) of the Act is repealed and the following substituted:

- (d) the Small Claims Court Administrative Judge appointed under section 87.2 or a deputy judge, as appointed by the Chief Justice; and

5. Subsection 33.1 (21) of the Act is amended by striking out “the person’s duty under this section” at the end and substituting “any power or duty of the person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

6. (1) Subsection 43 (5) of the Act is repealed.

(2) Section 43 of the Act is amended by adding the following subsection:

Personal liability

(15) No action or other proceeding for damages shall be instituted against the Committee or any of its members for any act done in good faith in the execution or intended execution of any power or duty of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

7. Subsection 47 (8) of the Act is repealed.

8. (1) Subsections 48 (1) and (2) of the Act are repealed and the following substituted:

ANNEXE 2
MINISTÈRE DU PROCUREUR GÉNÉRAL
LOI SUR LES TRIBUNAUX JUDICIAIRES

1. L'article 14 de la *Loi sur les tribunaux judiciaires* est modifié par adjonction du paragraphe suivant :

Juge et chef de l'administration de la Cour des petites créances

(5.1) Le juge en chef de la Cour supérieure de justice peut, à l'égard de la Cour des petites créances, déléguer les pouvoirs et fonctions que lui attribue le paragraphe (1) au juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2, sous réserve des conditions ou restrictions qu'il précise.

2. L'alinéa 21 (2) b) de la Loi est modifié par remplacement de «d'un juge provincial ou d'un juge suppléant» par «d'une personne visée au paragraphe 24 (2)».

3. Le paragraphe 24 (2) de la Loi est abrogé et remplacé par ce qui suit :

Autres représentants de l'appareil judiciaire qui peuvent présider

(2) Malgré le paragraphe (1), les instances devant la Cour des petites créances peuvent également être entendues et jugées par l'un des juges suivants :

- a) un juge provincial qui était affecté à la Cour provinciale (Division civile) immédiatement avant le 1^{er} septembre 1990;
- b) un juge suppléant nommé en vertu de l'article 32;
- c) le juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2.

4. L'alinéa 33 (2) d) de la Loi est abrogé et remplacé par ce qui suit :

- d) du juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2 ou d'un juge suppléant nommé par le juge en chef;

5. Le paragraphe 33.1 (21) de la Loi est modifié par remplacement de «de ses fonctions aux termes du présent article» par «de ses pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

6. (1) Le paragraphe 43 (5) de la Loi est abrogé.

(2) L'article 43 de la Loi est modifié par adjonction du paragraphe suivant :

Immunité

(15) Sont irrecevables les actions ou autres instances en dommages-intérêts introduites contre le Comité ou un de ses membres pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel des pouvoirs ou fonctions du Comité ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions.

7. Le paragraphe 47 (8) de la Loi est abrogé.

8. (1) Les paragraphes 48 (1) et (2) de la Loi sont abrogés et remplacés par ce qui suit :

Resignation and election**Resignation**

(1) A provincial judge may at any time resign from his or her office by delivering a signed letter of resignation to the Chief Justice of the Ontario Court of Justice or, in the case of the Chief Justice, to the Attorney General.

Election

(2) A Chief Justice, an associate chief justice or a regional senior judge may, before the expiry of his or her term of office under section 42, elect to hold the office of a provincial judge only, by delivering a signed letter to that effect to the Attorney General in the case of a Chief Justice, or to the Chief Justice of the Ontario Court of Justice in any other case.

(2) Subsection 48 (4) of the Act is amended by striking out “to the Attorney General” and substituting “to the Chief Justice or the Attorney General, as the case may be”.

9. (1) Subsection 49 (7) of the Act is repealed.

(2) Subsection 49 (27) of the Act is amended by striking out “the Council’s or person’s duty” at the end and substituting “any power or duty of the Council or person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

10. Subsection 51.8 (5) of the Act is repealed.

11. (1) Subsection 53 (1) of the Act is amended by adding the following clause:

- (a.4) providing for the matters referred to in clauses (a.2) and (a.3) with respect to the Small Claims Court Administrative Judge appointed under section 87.2;

(2) Subsection 53 (3) of the Act is amended by striking out “clause (1) (a.2) or (a.3)” and substituting “clause (1) (a.2), (a.3) or (a.4)”.

12. Clause 65 (2) (d) of the Act is repealed and the following substituted:

- (d) the Small Claims Court Administrative Judge appointed under section 87.2;

13. Subsections 70 (2) and (3) of the Act are repealed.

14. The Act is amended by adding the following section before Part V:

Provincial offences rules

70.1 (1) Subject to subsection (2), the Attorney General may make rules in relation to the practice and procedure of the Court of Appeal, the Superior Court of Justice and the Ontario Court of Justice in proceedings under the *Provincial Offences Act*, including rules,

- (a) regulating any matters relating to the practice and procedure of proceedings under the *Provincial Offences Act*;

Démission et choix**Démission**

(1) Un juge provincial peut démissionner en tout temps en remettant une lettre de démission dûment signée au juge en chef de la Cour de justice de l'Ontario ou, dans le cas du juge en chef, au procureur général.

Choix

(2) Un juge en chef, un juge en chef adjoint ou un juge principal régional peut, avant l'expiration de son mandat prévu à l'article 42, choisir de n'exercer que les fonctions de juge provincial, en remettant une lettre signée à cet effet au procureur général, dans le cas d'un juge en chef, ou au juge en chef de la Cour de justice de l'Ontario, dans les autres cas.

(2) Le paragraphe 48 (4) de la Loi est modifié par remplacement de «au procureur général de la lettre à cet effet» par «de la lettre à cet effet au juge en chef ou au procureur général, selon le cas».

9. (1) Le paragraphe 49 (7) de la Loi est abrogé.

(2) Le paragraphe 49 (27) de la Loi est modifié par remplacement de «de ses fonctions» par «de ses pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

10. Le paragraphe 51.8 (5) de la Loi est abrogé.

11. (1) Le paragraphe 53 (1) de la Loi est modifié par adjonction de l'alinéa suivant :

- a.4) prévoir les questions visées aux alinéas a.2) et a.3) à l'égard du juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2;

(2) Le paragraphe 53 (3) de la Loi est modifié par remplacement de «l'alinéa (1) a.2) ou a.3)» par «l'alinéa (1) a.2), a.3) ou a.4)» à la fin du paragraphe.

12. L'alinéa 65 (2) d) de la Loi est abrogé et remplacé par ce qui suit :

- d) le juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2;

13. Les paragraphes 70 (2) et (3) de la Loi sont abrogés.

14. La Loi est modifiée par adjonction de l'article suivant avant la partie V :

Règles à l'égard des infractions provinciales

70.1 (1) Sous réserve du paragraphe (2), le procureur général peut établir des règles à l'égard de la pratique et de la procédure à suivre dans les instances introduites devant la Cour d'appel, la Cour supérieure de justice et la Cour de justice de l'Ontario en vertu de la *Loi sur les infractions provinciales*, notamment des règles :

- a) régissant les questions relatives à la pratique et à la procédure applicables aux instances introduites en vertu de la *Loi sur les infractions provinciales*;

- (b) prescribing forms;
- (c) regulating the duties of the employees of the courts;
- (d) regulating the duties of municipal employees and other persons who act under the authority of agreements made under Part X of the *Provincial Offences Act*;
- (e) prescribing and regulating the procedures under any Act that confers jurisdiction under the *Provincial Offences Act* on the Ontario Court of Justice or a judge or justice of the peace sitting in it;
- (f) prescribing any matter relating to proceedings under the *Provincial Offences Act* that is referred to in an Act as provided for by the rules of court.

Prior approval of courts

(2) Before a rule may be made under subsection (1), the Attorney General shall obtain the approval of one or more of the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice and the Chief Justice of the Ontario Court of Justice, as the Attorney General considers appropriate given the proceedings to which the rule would apply.

Recommendations, proposals by courts

(3) The Attorney General shall consider any recommendations or proposals given to him or her by the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice or the Chief Justice of the Ontario Court of Justice respecting rules that may be made under subsection (1).

15. Subsection 73 (2) of the Act is repealed and the following substituted:

Assignment of powers, duties

(2) The Deputy Attorney General or a person designated by the Deputy Attorney General may, in writing, assign to any person or class of persons a power or duty given to a registrar, sheriff, court clerk, bailiff, assessment officer, Small Claims Court referee or official examiner under an Act, regulation or rule of court, subject to any conditions or restrictions set out in the assignment.

Same

(2.1) For greater certainty, a power or duty may be assigned to a person or class of persons under subsection (2) regardless of whether or not the person or persons are appointed under Part III of the *Public Service of Ontario Act, 2006*.

16. Subsections 86.1 (7) and (8) of the Act are repealed and the following substituted:

Application of ss. 46 to 48

(7) Sections 46 to 48 apply to case management masters, with necessary modifications, in the same manner as to provincial judges, with the following exceptions:

- b) prescrivant des formules;
- c) régissant les fonctions des employés des tribunaux;
- d) régissant les fonctions des employés municipaux et des autres personnes qui agissent aux termes d'ententes conclues en vertu de la partie X de la *Loi sur les infractions provinciales*;
- e) prescrivant et régissant la procédure applicable aux termes d'une loi qui confère une compétence prévue par la *Loi sur les infractions provinciales* à la Cour de justice de l'Ontario, à un juge ou à un juge de paix qui y siège;
- f) prescrivant les questions ayant trait aux instances introduites en vertu de la *Loi sur les infractions provinciales*, mentionnées dans une loi comme étant prévues par les règles de pratique.

Approbation préalable des tribunaux

(2) Avant de pouvoir établir une règle en vertu du paragraphe (1), le procureur général obtient l'approbation de l'un ou de plusieurs des juges suivants, soit le juge en chef de l'Ontario, le juge en chef de la Cour supérieure de justice et le juge en chef de la Cour de justice de l'Ontario, selon ce qu'il estime approprié compte tenu des instances auxquelles s'appliquerait la règle.

Recommandations et propositions des tribunaux

(3) Le procureur général examine les recommandations ou les propositions qui lui sont présentées par le juge en chef de l'Ontario, le juge en chef de la Cour supérieure de justice ou le juge en chef de la Cour de justice de l'Ontario relativement aux règles qui peuvent être établies en vertu du paragraphe (1).

15. Le paragraphe 73 (2) de la Loi est abrogé et remplacé par ce qui suit :

Attribution de pouvoirs ou de fonctions

(2) Le sous-procureur général ou son délégué peut, par écrit, attribuer à une personne ou à une catégorie de personnes une fonction ou un pouvoir conféré à un greffier, shérif, huissier, liquidateur des dépens, arbitre de la Cour des petites créances ou auditeur officiel en vertu d'une loi, d'un règlement ou d'une règle de pratique, sous réserve des conditions ou des restrictions énoncées dans l'acte d'attribution.

Idem

(2.1) Il est entendu qu'un pouvoir ou une fonction peut être attribué à une personne ou à une catégorie de personnes en vertu du paragraphe (2), que la ou les personnes aient été ou non nommées aux termes de la partie III de la *Loi de 2006 sur la fonction publique de l'Ontario*.

16. Les paragraphes 86.1 (7) et (8) de la Loi sont abrogés et remplacés par ce qui suit :

Champ d'application des art. 46 à 48

(7) Les articles 46 à 48 s'appliquent, avec les adaptations nécessaires, aux protonotaires chargés de la gestion des causes de la même manière qu'aux juges provinciaux, sous réserve des exceptions suivantes :

1. Section 46 does not apply in circumstances in which the rules of court require participation in alternative dispute resolution.

2. Subsection 47 (3) does not apply.

3. Letters of resignation under section 48 shall be delivered to the Attorney General instead of to the Chief Justice of the Ontario Court of Justice.

17. Subsection 86.2 (19) of the Act is amended by striking out “the person’s duty under this section” at the end and substituting “any power or duty of the person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

18. The Act is amended by adding the following section:

Small Claims Court Administrative Judge

87.2 (1) The Lieutenant Governor in Council may, on the recommendation of the Attorney General, appoint a person who meets the qualifications set out in subsection 42 (2) as Small Claims Court Administrative Judge.

Prior consultation

(2) Before making a recommendation under subsection (1), the Attorney General shall consult with the Chief Justice of the Superior Court of Justice.

Term

(3) The appointment of a person as Small Claims Court Administrative Judge is for a term of five years, subject to subsection (5).

Reappointment

(4) The Lieutenant Governor in Council shall reappoint a person as Small Claims Court Administrative Judge for one further term of five years, subject to subsection (5), if the Chief Justice of the Superior Court of Justice recommends the reappointment.

On reaching 65

(5) The completion of any portion of a term during which a person serving as Small Claims Court Administrative Judge is over 64 years of age and under 75 years of age is subject to the annual approval of the Chief Justice of the Superior Court of Justice.

On reaching 75

(6) If a person reaches 75 years of age while serving as Small Claims Court Administrative Judge, his or her term is deemed to expire on that day.

Compensation

(7) The salary, pension benefits, other benefits and allowances of the Small Claims Court Administrative Judge are subject to the recommendations of the Provincial Judges Remuneration Commission and, for the purpose, the Small Claims Court Administrative Judge is

1. L'article 46 ne s'applique pas dans les circonstances dans lesquelles les règles de pratique exigent la participation au mode de règlement extrajudiciaire des différends.

2. Le paragraphe 47 (3) ne s'applique pas.

3. Les lettres de démission visées à l'article 48 sont remises au procureur général plutôt qu'au juge en chef de la Cour de justice de l'Ontario.

17. Le paragraphe 86.2 (19) de la Loi est modifié par remplacement de «de ses fonctions aux termes du présent article» par «de ses pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

18. La Loi est modifiée par adjonction de l'article suivant :

Juge et chef de l'administration de la Cour des petites créances

87.2 (1) Le lieutenant-gouverneur en conseil peut, sur la recommandation du procureur général, nommer juge et chef de l'administration de la Cour des petites créances une personne qui possède les qualités requises énoncées au paragraphe 42 (2).

Consultation préalable

(2) Avant de faire une recommandation visée au paragraphe (1), le procureur général consulte le juge en chef de la Cour supérieure de justice.

Mandat

(3) Le mandat d'une personne nommée juge et chef de l'administration de la Cour des petites créances est d'une durée de cinq ans, sous réserve du paragraphe (5).

Mandat renouvelable

(4) Sous réserve du paragraphe (5), le lieutenant-gouverneur en conseil peut renouveler une fois pour une durée de cinq ans le mandat d'une personne nommée juge et chef de l'administration de la Cour des petites créances, si le juge en chef de la Cour supérieure de justice recommande le renouvellement.

Atteinte de 65 ans

(5) Toute période d'un mandat au cours de laquelle la personne qui exerce les fonctions de juge et chef de l'administration de la Cour des petites créances a plus de 64 ans mais moins de 75 ans est assujettie à l'approbation annuelle du juge en chef de la Cour supérieure de justice.

Atteinte de 75 ans

(6) Si une personne atteint l'âge de 75 ans pendant qu'elle exerce les fonctions de juge et chef de l'administration de la Cour des petites créances, son mandat est réputé expirer le même jour.

Indemnisation

(7) Le traitement et les prestations de retraite et autres avantages sociaux et allocations du juge et chef de l'administration de la Cour des petites créances sont soumis aux recommandations de la Commission de rémunération des juges provinciaux et, à cette fin, le juge et chef

deemed to be a provincial judge under the framework agreement set out in the Schedule to this Act.

Same

(8) Until and subject to the first recommendations of the Provincial Judges Remuneration Commission respecting the Small Claims Court Administrative Judge, he or she is entitled to receive the same salary, pension benefits, other benefits and allowances a provincial judge receives under the framework agreement.

Application of ss. 44 to 46

(9) Subsections 44 (1) and (4), and sections 45 and 46, apply with necessary modifications to the Small Claims Court Administrative Judge as if he or she were a provincial judge, subject to the following:

1. For the purposes of subsection 44 (1), the consent of the Chief Justice of the Superior Court of Justice is required.
2. For the purposes of an application under section 45, one of the members of the Judicial Council who is a provincial judge shall be replaced by a judge of the Superior Court of Justice. The Chief Justice of the Ontario Court of Justice shall determine which judge is to be replaced and the Chief Justice of the Superior Court of Justice shall designate the judge who is to replace that judge.

Resignation

(10) The Small Claims Court Administrative Judge may at any time resign from his or her office by delivering a signed letter of resignation to the Attorney General.

Complaints

(11) Any person may make a complaint alleging misconduct by the Small Claims Court Administrative Judge to the Ontario Judicial Council continued under section 49.

Same

(12) For the purposes of subsection (11), sections 51.3 to 51.8 apply with necessary modifications to the Small Claims Court Administrative Judge as if he or she were a provincial judge, subject to the following:

1. One of the members of the Judicial Council who is a provincial judge shall be replaced by a judge of the Superior Court of Justice. The Chief Justice of the Ontario Court of Justice shall determine which judge is to be replaced and the Chief Justice of the Superior Court of Justice shall designate the judge who is to replace that judge.
2. Complaints shall be referred to the Chief Justice of the Superior Court of Justice rather than to the Chief Justice of the Ontario Court of Justice.

de l'administration de la Cour des petites créances est réputé être un juge provincial aux termes de la convention cadre énoncée à l'annexe de la présente loi.

Idem

(8) Jusqu'à la présentation des premières recommandations de la Commission de rémunération des juges provinciaux le concernant et sous réserve de celles-ci, le juge et chef de l'administration de la Cour des petites créances a le droit de recevoir le même traitement et les mêmes prestations de retraite et autres avantages sociaux et allocations qu'un juge provincial reçoit aux termes de la convention cadre.

Application des art. 44 à 46

(9) Les paragraphes 44 (1) et (4) et les articles 45 et 46 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances comme s'il était un juge provincial, sous réserve des dispositions suivantes :

1. Pour l'application du paragraphe 44 (1), le consentement du juge en chef de la Cour supérieure de justice est requis.
2. Pour l'application d'une requête visée à l'article 45, un des membres du Conseil de la magistrature qui est un juge provincial est remplacé par un juge de la Cour supérieure de justice. Le juge en chef de la Cour de justice de l'Ontario décide quel juge doit être remplacé et le juge en chef de la Cour supérieure de justice désigne le juge qui doit remplacer ce juge.

Démission

(10) Le juge et chef de l'administration de la Cour des petites créances peut démissionner en tout temps en remettant au procureur général une lettre de démission dûment signée.

Plaintes

(11) Toute personne peut porter devant le Conseil de la magistrature de l'Ontario, maintenu au titre de l'article 49, une plainte selon laquelle il y aurait eu inconduite de la part du juge et chef de l'administration de la Cour des petites créances.

Idem

(12) Pour l'application du paragraphe (11), les articles 51.3 à 51.8 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances comme s'il était un juge provincial, sous réserve des dispositions suivantes :

1. Un des membres du Conseil de la magistrature qui est un juge provincial est remplacé par un juge de la Cour supérieure de justice. Le juge en chef de la Cour de justice de l'Ontario décide quel juge doit être remplacé et le juge en chef de la Cour supérieure de justice désigne le juge qui doit remplacer ce juge.
2. Les plaintes sont renvoyées au juge en chef de la Cour supérieure de justice plutôt qu'au juge en chef de la Cour de justice de l'Ontario.

3. Subcommittee recommendations with respect to interim suspension shall be made to the Chief Justice of the Superior Court of Justice, to whom subsections 51.4 (10) and (11) apply with necessary modifications.

Standards, education, evaluation

(13) Subject to the consent of the Chief Justice of the Superior Court of Justice, sections 51.9, 51.10 and 51.11 apply with necessary modifications to the Small Claims Court Administrative Judge.

19. Clause 102 (8) (c) of the Act is amended by striking out “section 89 of the *Labour Relations Act*” and substituting “section 94 of the *Labour Relations Act, 1995*”.

JUSTICES OF THE PEACE ACT

20. (1) Subsection 2.1 (7) of the *Justices of the Peace Act* is repealed and the following substituted:

Personal liability

(7) No action or other proceeding for damages shall be instituted against the Advisory Committee or any of its members for any act done in good faith in the execution or intended execution of any power or duty of the Advisory Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

(2) Subsection 2.1 (12.1) of the Act is repealed.

21. Subsection 5.1 (1) of the Act is amended by striking out “may change” in the portion before paragraph 1 and substituting “shall change”.

22. (1) Subsection 7 (1) of the Act is amended by striking out “the Attorney General” at the end and substituting “the Chief Justice of the Ontario Court of Justice”.

(2) Subsection 7 (2) of the Act is amended by striking out “the Attorney General” and substituting “the Chief Justice of the Ontario Court of Justice”.

23. Subsection 8 (6) of the Act is repealed.

24. Subsection 16 (7) of the Act is repealed.

LEGISLATION ACT, 2006

25. The definition of “rules of court” in section 87 of the *Legislation Act, 2006* is repealed and the following substituted:

“rules of court” means rules made under Part IV of the *Courts of Justice Act*, or otherwise by an authority having power to make rules regulating court practices and procedures. (“règles de pratique”)

PROFESSIONAL ENGINEERS ACT

26. Paragraph 16 of subsection 7 (1) of the *Professional Engineers Act* is repealed and the following substituted:

16. providing for the maintenance and inspection of registers established for the purposes of section 21;

3. Les recommandations du sous-comité concernant la suspension provisoire sont présentées au juge en chef de la Cour supérieure de justice, à qui les paragraphes 51.4 (10) et (11) s'appliquent avec les adaptations nécessaires.

Normes, formation et évaluation

(13) Sous réserve du consentement du juge en chef de la Cour supérieure de justice, les articles 51.9, 51.10 et 51.11 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances.

19. L'alinéa 102 (8) c) de la Loi est modifié par remplacement de «l'article 89 de la *Loi sur les relations de travail*» par «l'article 94 de la *Loi de 1995 sur les relations de travail*».

LOI SUR LES JUGES DE PAIX

20. (1) Le paragraphe 2.1 (7) de la *Loi sur les juges de paix* est abrogé et remplacé par ce qui suit :

Immunité

(7) Sont irrecevables les actions ou autres instances en dommages-intérêts introduites contre le Comité consultatif ou un de ses membres pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel d'un pouvoir ou d'une fonction du Comité consultatif ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ce pouvoir ou de cette fonction.

(2) Le paragraphe 2.1 (12.1) de la Loi est abrogé.

21. Le paragraphe 5.1 (1) de la Loi est modifié par remplacement de «peut remplacer» par «remplace» dans le passage qui précède la disposition 1.

22. (1) Le paragraphe 7 (1) de la Loi est modifié par remplacement de «au procureur général» par «au juge en chef de la Cour de justice de l'Ontario».

(2) Le paragraphe 7 (2) de la Loi est modifié par remplacement de «au procureur général» par «au juge en chef de la Cour de justice de l'Ontario».

23. Le paragraphe 8 (6) de la Loi est abrogé.

24. Le paragraphe 16 (7) de la Loi est abrogé.

LOI DE 2006 SUR LA LÉGISLATION

25. La définition de «règles de pratique» à l'article 87 de la *Loi de 2006 sur la législation* est abrogée et remplacée par ce qui suit :

«règles de pratique» Règles établies en vertu de la partie IV de la *Loi sur les tribunaux judiciaires* ou, sinon, par une autorité habilitée à établir des règles régissant la pratique et la procédure judiciaires. («rules of court»)

LOI SUR LES INGÉNIEURS

26. La disposition 16 du paragraphe 7 (1) de la *Loi sur les ingénieurs* est abrogée et remplacée par ce qui suit :

16. Prévoir la tenue et l'examen des tableaux dressés pour l'application de l'article 21.

27. Clause 28 (4) (h) of the Act is amended by striking out "Treasurer of Ontario" and substituting "Minister of Finance".

PROVINCIAL OFFENCES ACT

28. The *Provincial Offences Act* is amended by adding the following section:

Collection agency costs payable

70.1 (1) A defendant shall pay the costs that a municipality incurs by using a registered collection agency in good standing under the *Collection and Debt Settlement Services Act* to collect a fine that is in default, but the costs shall not exceed an amount approved by the municipality.

Costs collectable as a fine

(2) For the purpose of making and enforcing payment, costs payable under this section shall be deemed to be part of the fine that is in default.

OPEN FOR BUSINESS ACT, 2010

29. Subsection 5 (17) of Schedule 2 to the *Open for Business Act, 2010* is repealed.

COMMENCEMENT

Commencement

30. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

27. L'alinéa 28 (4) h) de la Loi est modifié par remplacement de «au trésorier de l'Ontario» par «au ministre des Finances».

LOI SUR LES INFRACTIONS PROVINCIALES

28. La *Loi sur les infractions provinciales* est modifiée par adjonction de l'article suivant :

Frais de l'agence de recouvrement à payer

70.1 (1) Le défendeur paie les frais qu'une municipalité engage pour faire appel à une agence de recouvrement en règle inscrite en application de la *Loi sur les services de recouvrement et de règlement de dette* en vue de recouvrer une amende impayée, ces frais ne devant pas dépasser le montant approuvé par la municipalité.

Frais recouvrables à titre d'amende

(2) Aux fins du versement et de l'exécution du paiement, les frais à payer aux termes du présent article sont réputés faire partie de l'amende impayée.

LOI DE 2010 FAVORISANT UN ONTARIO PROPRICE AUX AFFAIRES

29. Le paragraphe 5 (17) de l'annexe 2 de la *Loi de 2010 favorisant un Ontario propice aux affaires* est abrogé.

ENTRÉE EN VIGUEUR

Entrée en vigueur

30. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

SCHEDULE 3 BULK SALES ACT REPEAL

Bulk Sales Act

1. The *Bulk Sales Act* is repealed.

Electricity Act, 1998

2. (1) Section 135 of the *Electricity Act, 1998* is amended by striking out “The *Bulk Sales Act*” at the beginning.

(2) Section 159 of the Act is amended by striking out “The *Bulk Sales Act*” at the beginning.

Farm Implements Act

3. (1) Section 29 of the *Farm Implements Act* is repealed.

(2) Subsection 30.1 (7) of the Act is repealed.

Farm Products Payments Act

4. (1) Clause 3 (1) (b) of the *Farm Products Payments Act* is amended by striking out “or the *Bulk Sales Act*” at the end.

(2) Clause 3 (2) (b) of the Act is amended by striking out “or the *Bulk Sales Act*”.

Housing Services Act, 2011

5. (1) Paragraph 6 of section 83 of the *Housing Services Act, 2011* is repealed.

(2) Paragraph 2 of subsection 167 (1) of the Act is repealed.

Limitations Act, 2002

6. The Schedule to the *Limitations Act, 2002* is amended by striking out the row for the *Bulk Sales Act*.

Metrolinx Act, 2006

7. Subsection 44 (7) of the *Metrolinx Act, 2006* is amended by striking out “The *Bulk Sales Act*” at the beginning.

Personal Property Security Act

8. (1) Clause 4 (1) (g) of the *Personal Property Security Act* is repealed.

(2) Subsection 20 (3) of the Act is amended by striking out the portion before clause (c) and clauses (c) and (d) and substituting the following:

has priority over an interest set out in subclause (1) (a) (ii) and is effective against a person described in clause (1) (b).

Province of Ontario Savings Office Privatization Act, 2002

9. Section 10 of the *Province of Ontario Savings Office Privatization Act, 2002* is repealed.

Retail Sales Tax Act

10. (1) Subsection 6 (3) of the *Retail Sales Tax Act* is

ANNEXE 3 ABROGATION DE LA LOI SUR LA VENTE EN BLOC

Loi sur la vente en bloc

1. La *Loi sur la vente en bloc* est abrogée.

Loi de 1998 sur l'électricité

2. (1) L'article 135 de la *Loi de 1998 sur l'électricité* est modifié par suppression de «La *Loi sur la vente en bloc*» au début de l'article.

(2) L'article 159 de la *Loi* est modifié par suppression de «La *Loi sur la vente en bloc*» au début de l'article.

Loi sur les appareils agricoles

3. (1) L'article 29 de la *Loi sur les appareils agricoles* est abrogé.

(2) Le paragraphe 30.1 (7) de la *Loi* est abrogé.

Loi sur le recouvrement du prix des produits agricoles

4. (1) L'alinéa 3 (1) b) de la *Loi sur le recouvrement du prix des produits agricoles* est modifié par suppression de «ou de la *Loi sur la vente en bloc*» à la fin de l'alinéa.

(2) L'alinéa 3 (2) b) de la *Loi* est modifié par suppression de «ou de la *Loi sur la vente en bloc*».

Loi de 2011 sur les services de logement

5. (1) La disposition 6 de l'article 83 de la *Loi de 2011 sur les services de logement* est abrogée.

(2) La disposition 2 du paragraphe 167 (1) de la *Loi* est abrogée.

Loi de 2002 sur la prescription des actions

6. L'annexe de la *Loi de 2002 sur la prescription des actions* est modifiée par suppression de la rangée correspondant à «*Vente en bloc, Loi sur la*».

Loi de 2006 sur Metrolinx

7. Le paragraphe 44 (7) de la *Loi de 2006 sur Metrolinx* est modifié par suppression de «La *Loi sur la vente en bloc*» au début du paragraphe.

Loi sur les sûretés mobilières

8. (1) L'alinéa 4 (1) g) de la *Loi sur les sûretés mobilières* est abrogé.

(2) Le paragraphe 20 (3) de la *Loi* est modifié par remplacement du passage qui précède l'alinéa c) et des alinéas c) et d) par ce qui suit :

prime l'intérêt visé au sous-alinéa (1) a) (ii) et produit ses effets à l'encontre d'une personne visée à l'alinéa (1) b).

Loi de 2002 sur la privatisation de la Caisse d'épargne de l'Ontario

9. L'article 10 de la *Loi de 2002 sur la privatisation de la Caisse d'épargne de l'Ontario* est abrogé.

Loi sur la taxe de vente au détail

10. (1) Le paragraphe 6 (3) de la *Loi sur la taxe de*

amended by striking out “a sale in bulk to which the *Bulk Sales Act* applies” and substituting “a sale in bulk to which the *Bulk Sales Act*, as it read immediately before it was repealed, would have applied had it not been repealed”.

(2) Subsection 6 (5) of the Act is amended by striking out “a sale in bulk to which the *Bulk Sales Act* applies” and substituting “a sale in bulk to which the *Bulk Sales Act*, as it read immediately before it was repealed, would have applied had it not been repealed”.

Tobacco Tax Act

11. (1) Subsection 14 (1) of the *Tobacco Tax Act* is amended by striking out “the *Bulk Sales Act*” and substituting “the *Bulk Sales Act*, as it read immediately before it was repealed,”.

(2) Subsection 14 (2) of the Act is amended by striking out “the *Bulk Sales Act*” and substituting “the *Bulk Sales Act*, as it read immediately before it was repealed,”.

Commencement

12. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

vente au détail est modifié par remplacement de «dans le cadre d'une vente en bloc à laquelle s'applique la *Loi sur la vente en bloc*» par «, dans le cadre d'une vente en bloc à laquelle la *Loi sur la vente en bloc*, dans sa version antérieure à son abrogation, se serait appliquée si elle n'avait pas été abrogée,».

(2) Le paragraphe 6 (5) de la Loi est modifié par remplacement de «dans le cadre d'une vente en bloc à laquelle s'applique la *Loi sur la vente en bloc*» par «, dans le cadre d'une vente en bloc à laquelle la *Loi sur la vente en bloc*, dans sa version antérieure à son abrogation, se serait appliquée si elle n'avait pas été abrogée,».

Loi de la taxe sur le tabac

11. (1) Le paragraphe 14 (1) de la *Loi de la taxe sur le tabac* est modifié par remplacement de «la *Loi sur la vente en bloc*» par «la *Loi sur la vente en bloc*, dans sa version antérieure à son abrogation,».

(2) Le paragraphe 14 (2) de la Loi est modifié par remplacement de «la *Loi sur la vente en bloc*» par «la *Loi sur la vente en bloc*, dans sa version antérieure à son abrogation,».

Entrée en vigueur

12. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

**SCHEDULE 4
INTERNATIONAL CHOICE OF COURT
AGREEMENTS CONVENTION ACT, 2016**

**ANNEXE 4
LOI DE 2016 SUR LA CONVENTION
SUR LES ACCORDS D'ÉLECTION
DE FOR INTERNATIONAUX**

CONTENTS

INTERPRETATION

1. Definition
2. Aid to interpretation

THE CONVENTION

3. Application of Convention
4. Crown bound

COMMENCEMENT AND SHORT TITLE

5. Commencement
6. Short title
- Schedule 1 Hague Convention of 30 June 2005 on Choice of Court Agreements

INTERPRETATION

Definition

1. In this Act,

“declaration” means a declaration made by Canada under the Convention with respect to Ontario.

Aid to interpretation

2. For the purpose of interpreting the Convention, recourse may be had to the Explanatory Report on the 2005 Hague Choice of Court Agreements Convention, published by the Hague Conference on Private International Law in 2013.

THE CONVENTION

Application of Convention

3. Subject to any declaration that is in force, the Hague Convention of 30 June 2005 on Choice of Court Agreements set out in Schedule 1 has force of law in Ontario on and after the day it enters into force in accordance with Articles 28 and 31 of the Convention.

Crown bound

4. This Act binds the Crown.

COMMENCEMENT AND SHORT TITLE

Commencement

5. The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Short title

6. The short title of the Act set out in this Schedule is the *International Choice of Court Agreements Convention Act, 2016*.

SOMMAIRE

INTERPRÉTATION

1. Définition
2. Guide d'interprétation

LA CONVENTION

3. Application de la Convention
4. Couronne liée

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

5. Entrée en vigueur
6. Titre abrégé
- Annexe 1 Convention de La Haye du 30 juin 2005 sur les accords d'élection de for

INTERPRÉTATION

Définition

1. La définition qui suit s'applique à la présente loi.

«déclaration» Déclaration faite par le Canada en vertu de la Convention relativement à l'Ontario.

Guide d'interprétation

2. Afin d'interpréter la Convention, on peut avoir recours au Rapport explicatif de la Convention de La Haye de 2005 sur les accords d'élection de for, publié en 2013 par la Conférence de La Haye de droit international privé.

LA CONVENTION

Application de la Convention

3. Sous réserve de toute déclaration en vigueur, la Convention de La Haye du 30 juin 2005 sur les accords d'élection de for dont le texte est reproduit à l'annexe 1 a force de loi en Ontario à compter du jour de son entrée en vigueur, aux termes des articles 28 et 31 de la Convention.

Couronne liée

4. La présente loi lie la Couronne.

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

5. La loi figurant à la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Titre abrégé

6. Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2016 sur la Convention sur les accords d'élection de for internationaux*.

SCHEDULE 1
HAGUE CONVENTION OF 30 JUNE 2005
ON CHOICE OF COURT AGREEMENTS

The States Parties to the present Convention,

Desiring to promote international trade and investment through enhanced judicial co-operation,

Believing that such co-operation can be enhanced by uniform rules on jurisdiction and on recognition and enforcement of foreign judgments in civil or commercial matters,

Believing that such enhanced co-operation requires in particular an international legal regime that provides certainty and ensures the effectiveness of exclusive choice of court agreements between parties to commercial transactions and that governs the recognition and enforcement of judgments resulting from proceedings based on such agreements,

Have resolved to conclude this Convention and have agreed upon the following provisions –

CHAPTER I
SCOPE AND DEFINITIONS

Article 1
Scope

(1) This Convention shall apply in international cases to exclusive choice of court agreements concluded in civil or commercial matters.

(2) For the purposes of Chapter II, a case is international unless the parties are resident in the same Contracting State and the relationship of the parties and all other elements relevant to the dispute, regardless of the location of the chosen court, are connected only with that State.

(3) For the purposes of Chapter III, a case is international where recognition or enforcement of a foreign judgment is sought.

Article 2
Exclusions from scope

(1) This Convention shall not apply to exclusive choice of court agreements –

- a) to which a natural person acting primarily for personal, family or household purposes (a consumer) is a party;
- b) relating to contracts of employment, including collective agreements.

(2) This Convention shall not apply to the following matters –

- a) the status and legal capacity of natural persons;
- b) maintenance obligations;
- c) other family law matters, including matrimonial property regimes and other rights or obligations arising out of marriage or similar relationships;

ANNEXE 1
CONVENTION DE LA HAYE DU 30 JUIN 2005
SUR LES ACCORDS D'ÉLECTION DE FOR

Les États parties à la présente Convention,

Désireux de promouvoir le commerce et les investissements internationaux en renforçant la coopération judiciaire,

Convaincus que cette coopération peut être renforcée par des règles uniformes sur la compétence et la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale,

Convaincus que cette coopération renforcée nécessite en particulier un régime juridique international apportant la sécurité et assurant l'efficacité des accords exclusifs d'élection de for entre les parties à des opérations commerciales et régissant la reconnaissance et l'exécution des jugements rendus dans le cadre de procédures fondées sur de tels accords,

Ont résolu de conclure la présente Convention et sont convenus des dispositions suivantes :

CHAPITRE I
CHAMP D'APPLICATION ET DÉFINITIONS

Article premier
Champ d'application

(1) La présente Convention s'applique, dans des situations internationales, aux accords exclusifs d'élection de for conclus en matière civile ou commerciale.

(2) Aux fins du chapitre II, une situation est internationale sauf si les parties résident dans le même État contractant et si les relations entre les parties et tous les autres éléments pertinents du litige, quel que soit le lieu du tribunal élu, sont liés uniquement à cet État.

(3) Aux fins du chapitre III, une situation est internationale lorsque la reconnaissance ou l'exécution d'un jugement étranger est requise.

Article 2
Exclusions du champ d'application

(1) La présente Convention ne s'applique pas aux accords exclusifs d'élection de for :

- a) auxquels une personne physique agissant principalement dans un but personnel, familial ou domestique (un consommateur) est partie;
- b) relatifs aux contrats de travail, y compris les conventions collectives.

(2) La présente Convention ne s'applique pas aux matières suivantes :

- a) l'état et la capacité des personnes physiques;
- b) les obligations alimentaires;
- c) les autres matières du droit de la famille, y compris les régimes matrimoniaux et les autres droits ou obligations résultant du mariage ou de relations similaires;

*International Choice of Court Agreements
Convention Act, 2016*

*Loi de 2016 sur la Convention sur les accords
d'élection de for internationaux*

- d) wills and succession;
- e) insolvency, composition and analogous matters;
- f) the carriage of passengers and goods;
- g) marine pollution, limitation of liability for maritime claims, general average, and emergency towage and salvage;
- h) anti-trust (competition) matters;
- i) liability for nuclear damage;
- j) claims for personal injury brought by or on behalf of natural persons;
- k) tort or delict claims for damage to tangible property that do not arise from a contractual relationship;
- l) rights *in rem* in immovable property, and tenancies of immovable property;
- m) the validity, nullity, or dissolution of legal persons, and the validity of decisions of their organs;
- n) the validity of intellectual property rights other than copyright and related rights;
- o) infringement of intellectual property rights other than copyright and related rights, except where infringement proceedings are brought for breach of a contract between the parties relating to such rights, or could have been brought for breach of that contract;
- p) the validity of entries in public registers.

(3) Notwithstanding paragraph 2, proceedings are not excluded from the scope of this Convention where a matter excluded under that paragraph arises merely as a preliminary question and not as an object of the proceedings. In particular, the mere fact that a matter excluded under paragraph 2 arises by way of defence does not exclude proceedings from the Convention, if that matter is not an object of the proceedings.

(4) This Convention shall not apply to arbitration and related proceedings.

(5) Proceedings are not excluded from the scope of this Convention by the mere fact that a State, including a government, a governmental agency or any person acting for a State, is a party thereto.

(6) Nothing in this Convention shall affect privileges and immunities of States or of international organisations, in respect of themselves and of their property.

Article 3

Exclusive choice of court agreements

For the purposes of this Convention –

- d) les testaments et les successions;
- e) l'insolvabilité, les concordats et les matières analogues;
- f) le transport de passagers et de marchandises;
- g) la pollution marine, la limitation de responsabilité pour des demandes en matière maritime, les avaries communes, ainsi que le remorquage et le sauvetage d'urgence;
- h) les entraves à la concurrence;
- i) la responsabilité pour les dommages nucléaires;
- j) les demandes pour dommages corporels et moraux y afférents introduites par des personnes physiques ou en leur nom;
- k) les demandes qui ne naissent pas d'une relation contractuelle et qui sont fondées sur la responsabilité délictuelle pour des dommages aux biens tangibles;
- l) les droits réels immobiliers et les baux d'immeubles;
- m) la validité, la nullité ou la dissolution d'une personne morale, et la validité des décisions de ses organes;
- n) la validité des droits de propriété intellectuelle autres que les droits d'auteur et les droits voisins;
- o) la contrefaçon des droits de propriété intellectuelle autres que les droits d'auteur et les droits voisins, à l'exception des litiges portant sur une contrefaçon fondée sur une violation du contrat entre les parties relatif à de tels droits, ou qui auraient pu être fondés sur une violation de ce contrat;
- p) la validité des inscriptions sur les registres publics.

(3) Nonobstant le paragraphe 2, un litige n'est pas exclu du champ d'application de la présente Convention lorsqu'une matière exclue en vertu de ce paragraphe est soulevée seulement à titre préalable et non comme un objet du litige. En particulier, le seul fait qu'une matière exclue en vertu du paragraphe 2 est soulevée à titre de défense n'exclut pas le litige du champ d'application de la Convention, si cette matière n'est pas un objet du litige.

(4) La présente Convention ne s'applique pas à l'arbitrage et aux procédures y afférentes.

(5) Le seul fait qu'un État, y compris un gouvernement, une agence gouvernementale ou toute personne agissant pour le compte d'un État, est partie à un litige n'exclut pas celui-ci du champ d'application de la présente Convention.

(6) La présente Convention n'affecte pas les privilèges et immunités dont jouissent les États ou les organisations internationales, pour eux-mêmes et pour leurs biens.

Article 3

Accords exclusifs d'élection de for

Aux fins de la présente Convention :

- a) “exclusive choice of court agreement” means an agreement concluded by two or more parties that meets the requirements of paragraph c) and designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one Contracting State or one or more specific courts of one Contracting State to the exclusion of the jurisdiction of any other courts;
- b) a choice of court agreement which designates the courts of one Contracting State or one or more specific courts of one Contracting State shall be deemed to be exclusive unless the parties have expressly provided otherwise;
- c) an exclusive choice of court agreement must be concluded or documented –
 - i) in writing; or
 - ii) by any other means of communication which renders information accessible so as to be usable for subsequent reference;
- d) an exclusive choice of court agreement that forms part of a contract shall be treated as an agreement independent of the other terms of the contract. The validity of the exclusive choice of court agreement cannot be contested solely on the ground that the contract is not valid.

Article 4 Other definitions

(1) In this Convention, “judgment” means any decision on the merits given by a court, whatever it may be called, including a decree or order, and a determination of costs or expenses by the court (including an officer of the court), provided that the determination relates to a decision on the merits which may be recognised or enforced under this Convention. An interim measure of protection is not a judgment.

(2) For the purposes of this Convention, an entity or person other than a natural person shall be considered to be resident in the State –

- a) where it has its statutory seat;
- b) under whose law it was incorporated or formed;
- c) where it has its central administration; or
- d) where it has its principal place of business.

CHAPTER II JURISDICTION

Article 5 Jurisdiction of the chosen court

(1) The court or courts of a Contracting State designated in an exclusive choice of court agreement shall have jurisdiction to decide a dispute to which the agreement applies, unless the agreement is null and void under the law of that State.

- a) un «accord exclusif d'élection de for» signifie un accord conclu entre deux ou plusieurs parties, qui est conforme aux exigences prévues au paragraphe c), et qui désigne, pour connaître des litiges nés ou à naître à l'occasion d'un rapport de droit déterminé, soit les tribunaux d'un État contractant, soit un ou plusieurs tribunaux particuliers d'un État contractant, à l'exclusion de la compétence de tout autre tribunal;
- b) un accord d'élection de for qui désigne les tribunaux d'un État contractant, ou un ou plusieurs tribunaux particuliers d'un État contractant, est réputé exclusif sauf si les parties sont convenues expressément du contraire;
- c) un accord exclusif d'élection de for doit être conclu ou documenté :
 - i) par écrit; ou
 - ii) par tout autre moyen de communication qui rende l'information accessible pour être consultée ultérieurement;
- d) un accord exclusif d'élection de for faisant partie d'un contrat est considéré comme un accord distinct des autres clauses du contrat. La validité de l'accord exclusif d'élection de for ne peut être contestée au seul motif que le contrat n'est pas valable.

Article 4 Autres définitions

(1) Au sens de la présente Convention, le terme «jugement» signifie toute décision sur le fond rendue par un tribunal, quelle que soit sa dénomination, telle qu'un arrêt ou une ordonnance, de même que la fixation des frais du procès par le tribunal (y compris le greffier du tribunal), à condition qu'elle ait trait à une décision sur le fond susceptible d'être reconnue ou exécutée en vertu de la présente Convention. Les mesures provisoires et conservatoires ne sont pas des jugements.

(2) Aux fins de la présente Convention, une entité ou personne autre qu'une personne physique est réputée avoir sa résidence dans l'État :

- a) de son siège statutaire;
- b) selon le droit duquel elle a été constituée;
- c) de son administration centrale; ou
- d) de son principal établissement.

CHAPITRE II COMPÉTENCE

Article 5 Compétence du tribunal élu

(1) Le tribunal ou les tribunaux d'un État contractant désignés dans un accord exclusif d'élection de for sont compétents pour connaître d'un litige auquel l'accord s'applique, sauf si celui-ci est nul selon le droit de cet État.

(2) A court that has jurisdiction under paragraph 1 shall not decline to exercise jurisdiction on the ground that the dispute should be decided in a court of another State.

(3) The preceding paragraphs shall not affect rules –

- a) on jurisdiction related to subject matter or to the value of the claim;
- b) on the internal allocation of jurisdiction among the courts of a Contracting State. However, where the chosen court has discretion as to whether to transfer a case, due consideration should be given to the choice of the parties.

Article 6

Obligations of a court not chosen

A court of a Contracting State other than that of the chosen court shall suspend or dismiss proceedings to which an exclusive choice of court agreement applies unless –

- a) the agreement is null and void under the law of the State of the chosen court;
- b) a party lacked the capacity to conclude the agreement under the law of the State of the court seised;
- c) giving effect to the agreement would lead to a manifest injustice or would be manifestly contrary to the public policy of the State of the court seised;
- d) for exceptional reasons beyond the control of the parties, the agreement cannot reasonably be performed; or
- e) the chosen court has decided not to hear the case.

Article 7

Interim measures of protection

Interim measures of protection are not governed by this Convention. This Convention neither requires nor precludes the grant, refusal or termination of interim measures of protection by a court of a Contracting State and does not affect whether or not a party may request or a court should grant, refuse or terminate such measures.

CHAPTER III RECOGNITION AND ENFORCEMENT

Article 8

Recognition and enforcement

(1) A judgment given by a court of a Contracting State designated in an exclusive choice of court agreement shall be recognised and enforced in other Contracting States in accordance with this Chapter. Recognition or enforcement may be refused only on the grounds specified in this Convention.

(2) Without prejudice to such review as is necessary for the application of the provisions of this Chapter, there shall be no review of the merits of the judgment given by

(2) Le tribunal ayant compétence en vertu du paragraphe premier ne peut refuser d'exercer sa compétence au motif qu'un tribunal d'un autre État devrait connaître du litige.

(3) Les paragraphes précédents n'affectent pas les règles relatives :

- a) à la compétence d'attribution ou à la compétence fondée sur le montant de la demande;
- b) à la répartition interne de compétence parmi les tribunaux d'un État contractant. Toutefois, lorsque le tribunal élu dispose d'un pouvoir discrétionnaire de renvoyer l'affaire, le choix des parties est dûment pris en considération.

Article 6

Obligations du tribunal non élu

Tout tribunal d'un État contractant autre que celui du tribunal élu sursoit à statuer ou se dessaisit lorsqu'il est saisi d'un litige auquel un accord exclusif d'élection de for s'applique, sauf si :

- a) l'accord est nul en vertu du droit de l'État du tribunal élu;
- b) l'une des parties n'avait pas la capacité de conclure l'accord en vertu du droit de l'État du tribunal saisi;
- c) donner effet à l'accord aboutirait à une injustice manifeste ou serait manifestement contraire à l'ordre public de l'État du tribunal saisi;
- d) pour des motifs exceptionnels hors du contrôle des parties, l'accord ne peut raisonnablement être mis en oeuvre; ou
- e) le tribunal élu a décidé de ne pas connaître du litige.

Article 7

Mesures provisoires et conservatoires

Les mesures provisoires et conservatoires ne sont pas régies par la présente Convention. Celle-ci n'exige ni n'empêche l'octroi, le rejet ou la levée des mesures provisoires et conservatoires par un tribunal d'un État contractant. Elle n'affecte pas la possibilité pour une partie de demander de telles mesures, ni la faculté du tribunal d'accorder, de rejeter ou de lever de telles mesures.

CHAPITRE III RECONNAISSANCE ET EXÉCUTION

Article 8

Reconnaissance et exécution

(1) Un jugement rendu par un tribunal d'un État contractant désigné dans un accord exclusif d'élection de for est reconnu et exécuté dans les autres États contractants conformément au présent chapitre. La reconnaissance ou l'exécution peut être refusée aux seuls motifs énoncés dans la présente Convention.

(2) Sans préjudice de ce qui est nécessaire à l'application des dispositions du présent chapitre, il n'est procédé à aucune révision au fond du jugement rendu par

the court of origin. The court addressed shall be bound by the findings of fact on which the court of origin based its jurisdiction, unless the judgment was given by default.

(3) A judgment shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

(4) Recognition or enforcement may be postponed or refused if the judgment is the subject of review in the State of origin or if the time limit for seeking ordinary review has not expired. A refusal does not prevent a subsequent application for recognition or enforcement of the judgment.

(5) This Article shall also apply to a judgment given by a court of a Contracting State pursuant to a transfer of the case from the chosen court in that Contracting State as permitted by Article 5, paragraph 3. However, where the chosen court had discretion as to whether to transfer the case to another court, recognition or enforcement of the judgment may be refused against a party who objected to the transfer in a timely manner in the State of origin.

Article 9

Refusal of recognition or enforcement

Recognition or enforcement may be refused if –

- a) the agreement was null and void under the law of the State of the chosen court, unless the chosen court has determined that the agreement is valid;
- b) a party lacked the capacity to conclude the agreement under the law of the requested State;
- c) the document which instituted the proceedings or an equivalent document, including the essential elements of the claim,
 - i) was not notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant entered an appearance and presented his case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or
 - ii) was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
- d) the judgment was obtained by fraud in connection with a matter of procedure;
- e) recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State;
- f) the judgment is inconsistent with a judgment given in the requested State in a dispute between the same parties; or

le tribunal d'origine. Le tribunal requis est lié par les constatations de fait sur lesquelles le tribunal d'origine a fondé sa compétence, sauf si le jugement a été rendu par défaut.

(3) Un jugement n'est reconnu que s'il produit ses effets dans l'État d'origine et n'est exécuté que s'il est exécutoire dans l'État d'origine.

(4) La reconnaissance ou l'exécution peut être différée ou refusée si le jugement fait l'objet d'un recours dans l'État d'origine ou si le délai pour exercer un recours ordinaire n'a pas expiré. Un tel refus n'empêche pas une demande ultérieure de reconnaissance ou d'exécution du jugement.

(5) Cet article s'applique également à un jugement rendu par un tribunal d'un État contractant suite à un renvoi de l'affaire du tribunal élu dans cet État contractant comme prévu par l'article 5, paragraphe 3. Toutefois, lorsque le tribunal élu disposait d'un pouvoir discrétionnaire de renvoyer l'affaire devant un autre tribunal, la reconnaissance ou l'exécution du jugement peut être refusée à l'égard d'une partie qui s'était opposée au renvoi en temps opportun dans l'État d'origine.

Article 9

Refus de reconnaissance ou d'exécution

La reconnaissance ou l'exécution peut être refusée si :

- a) l'accord était nul en vertu du droit de l'État du tribunal élu, à moins que celui-ci n'ait constaté que l'accord est valable;
- b) l'une des parties n'avait pas la capacité de conclure l'accord en vertu du droit de l'État requis;
- c) l'acte introductif d'instance ou un acte équivalent contenant les éléments essentiels de la demande :
 - i) n'a pas été notifié au défendeur en temps utile et de telle manière qu'il puisse organiser sa défense, à moins que le défendeur n'ait comparu et présenté sa défense sans contester la notification devant le tribunal d'origine, à condition que le droit de l'État d'origine permette de contester la notification; ou
 - ii) a été notifié au défendeur dans l'État requis de manière incompatible avec les principes fondamentaux de l'État requis relatifs à la notification de documents;
- d) le jugement résulte d'une fraude relative à la procédure;
- e) la reconnaissance ou l'exécution est manifestement incompatible avec l'ordre public de l'État requis, notamment dans les cas où la procédure aboutissant au jugement en l'espèce était incompatible avec les principes fondamentaux d'équité procédurale de cet État;
- f) le jugement est incompatible avec un jugement rendu dans l'État requis dans un litige entre les mêmes parties; ou

- g) the judgment is inconsistent with an earlier judgment given in another State between the same parties on the same cause of action, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.

Article 10 Preliminary questions

(1) Where a matter excluded under Article 2, paragraph 2, or under Article 21, arose as a preliminary question, the ruling on that question shall not be recognised or enforced under this Convention.

(2) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter excluded under Article 2, paragraph 2.

(3) However, in the case of a ruling on the validity of an intellectual property right other than copyright or a related right, recognition or enforcement of a judgment may be refused or postponed under the preceding paragraph only where –

- a) that ruling is inconsistent with a judgment or a decision of a competent authority on that matter given in the State under the law of which the intellectual property right arose; or
- b) proceedings concerning the validity of the intellectual property right are pending in that State.

(4) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter excluded pursuant to a declaration made by the requested State under Article 21.

Article 11 Damages

(1) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment awards damages, including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered.

(2) The court addressed shall take into account whether and to what extent the damages awarded by the court of origin serve to cover costs and expenses relating to the proceedings.

Article 12 Judicial settlements (*transactions judiciaires*)

Judicial settlements (*transactions judiciaires*) which a court of a Contracting State designated in an exclusive choice of court agreement has approved, or which have been concluded before that court in the course of proceedings, and which are enforceable in the same manner as a judgment in the State of origin, shall be enforced under this Convention in the same manner as a judgment.

Article 13 Documents to be produced

(1) The party seeking recognition or applying for enforcement shall produce –

- g) le jugement est incompatible avec un jugement rendu antérieurement dans un autre État entre les mêmes parties dans un litige ayant le même objet et la même cause, lorsque le jugement rendu antérieurement réunit les conditions nécessaires à sa reconnaissance dans l'État requis.

Article 10 Questions préliminaires

(1) Lorsqu'une matière exclue en vertu de l'article 2, paragraphe 2, ou en vertu de l'article 21 a été soulevée à titre préalable, la décision sur cette question n'est pas reconnue ou exécutée en vertu de la présente Convention.

(2) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, ce jugement est fondé sur une décision relative à une matière exclue en vertu de l'article 2, paragraphe 2.

(3) Toutefois, dans le cas d'une décision sur la validité d'un droit de propriété intellectuelle autre qu'un droit d'auteur ou droit voisin, la reconnaissance ou l'exécution d'un jugement ne peut être refusée ou différée en vertu du paragraphe précédent que si :

- a) cette décision est incompatible avec un jugement ou une décision d'une autorité compétente relatif à cette matière, rendu dans l'État du droit duquel découle ce droit de propriété intellectuelle; ou
- b) une procédure sur la validité de ce droit de propriété intellectuelle est pendante dans cet État.

(4) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, ce jugement est fondé sur une décision relative à une matière exclue en vertu d'une déclaration faite par l'État requis au titre de l'article 21.

Article 11 Dommages et intérêts

(1) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, le jugement accorde des dommages et intérêts, y compris des dommages et intérêts exemplaires ou punitifs, qui ne compensent pas une partie pour la perte ou le préjudice réels subis.

(2) Le tribunal requis prend en considération si, et dans quelle mesure, le montant accordé à titre de dommages et intérêts par le tribunal d'origine est destiné à couvrir les frais et dépens du procès.

Article 12 Transactions judiciaires

Les transactions homologuées par un tribunal d'un État contractant désigné dans un accord exclusif d'élection de for ou passées devant ce tribunal au cours d'une instance, et qui sont exécutoires au même titre qu'un jugement dans l'État d'origine, sont exécutées en vertu de la présente Convention aux mêmes conditions qu'un jugement.

Article 13 Pièces à produire

(1) La partie qui requiert la reconnaissance ou qui demande l'exécution produit :

- a) a complete and certified copy of the judgment;
- b) the exclusive choice of court agreement, a certified copy thereof, or other evidence of its existence;
- c) if the judgment was given by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party;
- d) any documents necessary to establish that the judgment has effect or, where applicable, is enforceable in the State of origin;
- e) in the case referred to in Article 12, a certificate of a court of the State of origin that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.

(2) If the terms of the judgment do not permit the court addressed to verify whether the conditions of this Chapter have been complied with, that court may require any necessary documents.

(3) An application for recognition or enforcement may be accompanied by a document, issued by a court (including an officer of the court) of the State of origin, in the form recommended and published by the Hague Conference on Private International Law.

(4) If the documents referred to in this Article are not in an official language of the requested State, they shall be accompanied by a certified translation into an official language, unless the law of the requested State provides otherwise.

Article 14 Procedure

The procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the requested State unless this Convention provides otherwise. The court addressed shall act expeditiously.

Article 15 Severability

Recognition or enforcement of a severable part of a judgment shall be granted where recognition or enforcement of that part is applied for, or only part of the judgment is capable of being recognised or enforced under this Convention.

CHAPTER IV GENERAL CLAUSES

Article 16 Transitional provisions

(1) This Convention shall apply to exclusive choice of court agreements concluded after its entry into force for the State of the chosen court.

- a) une copie complète et certifiée conforme du jugement;
- b) l'accord exclusif d'élection de for, une copie certifiée de celui-ci ou une autre preuve de son existence;
- c) s'il s'agit d'un jugement rendu par défaut, l'original ou une copie certifiée conforme du document attestant que l'acte introductif d'instance ou un acte équivalent a été notifié à la partie défaillante;
- d) tout document nécessaire pour établir que le jugement produit ses effets dans l'État d'origine ou, le cas échéant, qu'il est exécutoire dans cet État;
- e) dans le cas prévu à l'article 12, un certificat d'un tribunal de l'État d'origine attestant que la transaction judiciaire est exécutoire, en tout ou en partie, aux mêmes conditions qu'un jugement dans l'État d'origine.

(2) Si le contenu du jugement ne permet pas au tribunal requis de vérifier que les conditions du présent chapitre sont remplies, ce tribunal peut exiger tout document nécessaire.

(3) Une demande de reconnaissance ou d'exécution peut être accompagnée d'un document, délivré par un tribunal (y compris par une personne autorisée du tribunal) de l'État d'origine, sous la forme recommandée et publiée par la Conférence de La Haye de droit international privé.

(4) Si les documents mentionnés dans le présent article ne sont pas rédigés dans une langue officielle de l'État requis, ils sont accompagnés d'une traduction certifiée dans une langue officielle, sauf si la loi de l'État requis en dispose autrement.

Article 14 Procédure

La procédure tendant à obtenir la reconnaissance, l'exequatur ou l'enregistrement aux fins d'exécution, et l'exécution du jugement, sont régies par le droit de l'État requis sauf si la présente Convention en dispose autrement. Le tribunal requis agit avec célérité.

Article 15 Divisibilité

La reconnaissance ou l'exécution d'une partie dissociable d'un jugement est accordée, si la reconnaissance ou l'exécution de cette partie est demandée ou si seule une partie du jugement peut être reconnue ou exécutée en vertu de la présente Convention.

CHAPITRE IV CLAUSES GÉNÉRALES

Article 16 Dispositions transitoires

(1) La présente Convention s'applique aux accords exclusifs d'élection de for conclus après son entrée en vigueur pour l'État du tribunal élu.

(2) This Convention shall not apply to proceedings instituted before its entry into force for the State of the court seised.

Article 17

Contracts of insurance and reinsurance

(1) Proceedings under a contract of insurance or reinsurance are not excluded from the scope of this Convention on the ground that the contract of insurance or reinsurance relates to a matter to which this Convention does not apply.

(2) Recognition and enforcement of a judgment in respect of liability under the terms of a contract of insurance or reinsurance may not be limited or refused on the ground that the liability under that contract includes liability to indemnify the insured or reinsured in respect of –

- a) a matter to which this Convention does not apply; or
- b) an award of damages to which Article 11 might apply.

Article 18

No legalisation

All documents forwarded or delivered under this Convention shall be exempt from legalisation or any analogous formality, including an Apostille.

Article 19

Declarations limiting jurisdiction

A State may declare that its courts may refuse to determine disputes to which an exclusive choice of court agreement applies if, except for the location of the chosen court, there is no connection between that State and the parties or the dispute.

Article 20

Declarations limiting recognition and enforcement

A State may declare that its courts may refuse to recognise or enforce a judgment given by a court of another Contracting State if the parties were resident in the requested State, and the relationship of the parties and all other elements relevant to the dispute, other than the location of the chosen court, were connected only with the requested State.

Article 21

Declarations with respect to specific matters

(1) Where a State has a strong interest in not applying this Convention to a specific matter, that State may declare that it will not apply the Convention to that matter. The State making such a declaration shall ensure that the declaration is no broader than necessary and that the specific matter excluded is clearly and precisely defined.

(2) With regard to that matter, the Convention shall not apply –

- a) in the Contracting State that made the declaration;
- b) in other Contracting States, where an exclusive choice of court agreement designates the courts, or

(2) La présente Convention ne s'applique pas aux litiges engagés avant son entrée en vigueur pour l'État du tribunal saisi.

Article 17

Contrats d'assurance et de réassurance

(1) Un litige en vertu d'un contrat d'assurance ou de réassurance n'est pas exclu du champ d'application de la présente Convention au motif que le contrat d'assurance ou de réassurance porte sur une matière à laquelle la Convention ne s'applique pas.

(2) La reconnaissance et l'exécution d'un jugement relatif à la responsabilité en vertu d'un contrat d'assurance ou de réassurance ne peuvent pas être limitées ou refusées au motif que la responsabilité en vertu de ce contrat comprend celle d'indemniser l'assuré ou le réassuré à l'égard :

- a) d'une matière à laquelle la présente Convention ne s'applique pas; ou
- b) d'une décision accordant des dommages et intérêts auxquels l'article 11 pourrait s'appliquer.

Article 18

Dispense de légalisation

Les documents transmis ou délivrés en vertu de la présente Convention sont dispensés de toute légalisation ou de toute formalité analogue, y compris une Apostille.

Article 19

Déclarations limitant la compétence

Un État peut déclarer que ses tribunaux peuvent refuser de connaître des litiges auxquels un accord exclusif d'élection de for s'applique s'il n'existe aucun lien, autre que le lieu du tribunal élu, entre cet État et les parties ou le litige.

Article 20

Déclarations limitant la reconnaissance et l'exécution

Un État peut déclarer que ses tribunaux peuvent refuser de reconnaître ou d'exécuter un jugement rendu par un tribunal d'un autre État contractant lorsque les parties avaient leur résidence dans l'État requis et que les relations entre les parties, ainsi que tous les autres éléments pertinents du litige, autres que le lieu du tribunal élu, étaient liés uniquement à l'État requis.

Article 21

Déclarations relatives à des matières particulières

(1) Lorsqu'un État a un intérêt important à ne pas appliquer la présente Convention à une matière particulière, cet État peut déclarer qu'il n'appliquera pas la présente Convention à cette matière. L'État qui fait une telle déclaration s'assure que la portée de celle-ci n'est pas plus étendue que nécessaire et que la matière particulière exclue est définie de façon claire et précise.

(2) À l'égard d'une telle matière, la Convention ne s'applique pas :

- a) dans l'État contractant ayant fait la déclaration;
- b) dans les autres États contractants lorsqu'un accord exclusif d'élection de for désigne les tribunaux, ou

one or more specific courts, of the State that made the declaration.

Article 22

Reciprocal declarations on non-exclusive choice of court agreements

(1) A Contracting State may declare that its courts will recognise and enforce judgments given by courts of other Contracting States designated in a choice of court agreement concluded by two or more parties that meets the requirements of Article 3, paragraph c), and designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, a court or courts of one or more Contracting States (a non-exclusive choice of court agreement).

(2) Where recognition or enforcement of a judgment given in a Contracting State that has made such a declaration is sought in another Contracting State that has made such a declaration, the judgment shall be recognised and enforced under this Convention, if –

- a) the court of origin was designated in a non-exclusive choice of court agreement;
- b) there exists neither a judgment given by any other court before which proceedings could be brought in accordance with the non-exclusive choice of court agreement, nor a proceeding pending between the same parties in any other such court on the same cause of action; and
- c) the court of origin was the court first seised.

Article 23

Uniform interpretation

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

Article 24

Review of operation of the Convention

The Secretary General of the Hague Conference on Private International Law shall at regular intervals make arrangements for –

- a) review of the operation of this Convention, including any declarations; and
- b) consideration of whether any amendments to this Convention are desirable.

Article 25

Non-unified legal systems

(1) In relation to a Contracting State in which two or more systems of law apply in different territorial units with regard to any matter dealt with in this Convention –

- a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;

un ou plusieurs tribunaux particuliers, de l'État ayant fait la déclaration.

Article 22

Déclarations réciproques sur les accords non exclusifs d'élection de for

(1) Un État contractant peut déclarer que ses tribunaux reconnaîtront et exécuteront des jugements rendus par des tribunaux d'autres États contractants désignés dans un accord d'élection de for conclu entre deux ou plusieurs parties, qui est conforme aux exigences prévues à l'article 3, paragraphe c), et qui désigne, pour connaître des litiges nés ou à naître à l'occasion d'un rapport de droit déterminé, un tribunal ou des tribunaux d'un ou plusieurs États contractants (un accord non exclusif d'élection de for).

(2) Lorsque la reconnaissance ou l'exécution d'un jugement rendu dans un État contractant ayant fait une telle déclaration est requise dans un autre État contractant ayant fait une telle déclaration, le jugement est reconnu et exécuté en vertu de la présente Convention, si :

- a) le tribunal d'origine était désigné dans un accord non exclusif d'élection de for;
- b) il n'existe ni un jugement d'un autre tribunal devant lequel des procédures pourraient être engagées conformément à l'accord non exclusif d'élection de for, ni une procédure pendante entre les mêmes parties devant un tel autre tribunal ayant le même objet et la même cause; et
- c) le tribunal d'origine était le premier tribunal saisi.

Article 23

Interprétation uniforme

Aux fins de l'interprétation de la présente Convention, il sera tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application.

Article 24

Examen du fonctionnement de la Convention

Le Secrétaire général de la Conférence de La Haye de droit international privé prend périodiquement des dispositions en vue de :

- a) l'examen du fonctionnement pratique de la présente Convention, y compris de toute déclaration; et
- b) l'examen de l'opportunité d'apporter des modifications à la présente Convention.

Article 25

Systèmes juridiques non unifiés

(1) Au regard d'un État contractant dans lequel deux ou plusieurs systèmes de droit ayant trait aux questions régies par la présente Convention s'appliquent dans des unités territoriales différentes :

- a) toute référence à la loi ou à la procédure d'un État vise, le cas échéant, la loi ou la procédure en vigueur dans l'unité territoriale considérée;

- b) any reference to residence in a State shall be construed as referring, where appropriate, to residence in the relevant territorial unit;
- c) any reference to the court or courts of a State shall be construed as referring, where appropriate, to the court or courts in the relevant territorial unit;
- d) any reference to a connection with a State shall be construed as referring, where appropriate, to a connection with the relevant territorial unit.

(2) Notwithstanding the preceding paragraph, a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

(3) A court in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a judgment from another Contracting State solely because the judgment has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

(4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 26

Relationship with other international instruments

(1) This Convention shall be interpreted so far as possible to be compatible with other treaties in force for Contracting States, whether concluded before or after this Convention.

(2) This Convention shall not affect the application by a Contracting State of a treaty, whether concluded before or after this Convention, in cases where none of the parties is resident in a Contracting State that is not a Party to the treaty.

(3) This Convention shall not affect the application by a Contracting State of a treaty that was concluded before this Convention entered into force for that Contracting State, if applying this Convention would be inconsistent with the obligations of that Contracting State to any non-Contracting State. This paragraph shall also apply to treaties that revise or replace a treaty concluded before this Convention entered into force for that Contracting State, except to the extent that the revision or replacement creates new inconsistencies with this Convention.

(4) This Convention shall not affect the application by a Contracting State of a treaty, whether concluded before or after this Convention, for the purposes of obtaining recognition or enforcement of a judgment given by a court of a Contracting State that is also a Party to that treaty. However, the judgment shall not be recognised or enforced to a lesser extent than under this Convention.

(5) This Convention shall not affect the application by a Contracting State of a treaty which, in relation to a spe-

- b) toute référence à la résidence dans un État vise, le cas échéant, la résidence dans l'unité territoriale considérée;
- c) toute référence au tribunal ou aux tribunaux d'un État vise, le cas échéant, le tribunal ou les tribunaux dans l'unité territoriale considérée;
- d) toute référence au lien avec un État vise, le cas échéant, le lien avec l'unité territoriale considérée.

(2) Nonobstant le paragraphe précédent, un État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu d'appliquer la présente Convention aux situations qui impliquent uniquement ces différentes unités territoriales.

(3) Un tribunal dans une unité territoriale d'un État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu de reconnaître ou d'exécuter un jugement d'un autre État contractant pour le seul motif que le jugement a été reconnu ou exécuté dans une autre unité territoriale du même État contractant selon la présente Convention.

(4) Cet article ne s'applique pas à une Organisation régionale d'intégration économique.

Article 26

Rapport avec d'autres instruments internationaux

(1) La présente Convention doit être interprétée de façon à ce qu'elle soit, autant que possible, compatible avec d'autres traités en vigueur pour les États contractants, conclus avant ou après cette Convention.

(2) La présente Convention n'affecte pas l'application par un État contractant d'un traité, que ce traité ait été conclu avant ou après cette Convention, lorsque aucune des parties ne réside dans un État contractant qui n'est pas Partie au traité.

(3) La présente Convention n'affecte pas l'application par un État contractant d'un traité conclu avant l'entrée en vigueur de cette Convention pour cet État contractant, si l'application de cette Convention est incompatible avec les obligations de cet État contractant vis-à-vis de tout autre État non contractant. Le présent paragraphe s'applique aussi aux traités qui révisent ou se substituent à un traité conclu avant l'entrée en vigueur de cette Convention pour cet État contractant, sauf dans la mesure où la révision ou la substitution crée de nouvelles incompatibilités avec cette Convention.

(4) La présente Convention n'affecte pas l'application par un État contractant d'un traité, que ce traité ait été conclu avant ou après cette Convention, afin d'obtenir la reconnaissance ou l'exécution d'un jugement rendu par un tribunal d'un État contractant qui est également Partie à ce traité. Toutefois, ce jugement ne doit pas être reconnu ou exécuté à un degré moindre qu'en vertu de cette Convention.

(5) La présente Convention n'affecte pas l'application par un État contractant d'un traité qui, à l'égard d'une

cific matter, governs jurisdiction or the recognition or enforcement of judgments, even if concluded after this Convention and even if all States concerned are Parties to this Convention. This paragraph shall apply only if the Contracting State has made a declaration in respect of the treaty under this paragraph. In the case of such a declaration, other Contracting States shall not be obliged to apply this Convention to that specific matter to the extent of any inconsistency, where an exclusive choice of court agreement designates the courts, or one or more specific courts, of the Contracting State that made the declaration.

(6) This Convention shall not affect the application of the rules of a Regional Economic Integration Organisation that is a Party to this Convention, whether adopted before or after this Convention –

- a) where none of the parties is resident in a Contracting State that is not a Member State of the Regional Economic Integration Organisation;
- b) as concerns the recognition or enforcement of judgments as between Member States of the Regional Economic Integration Organisation.

CHAPTER V FINAL CLAUSES

Article 27

Signature, ratification, acceptance, approval or accession

- (1) This Convention is open for signature by all States.
- (2) This Convention is subject to ratification, acceptance or approval by the signatory States.
- (3) This Convention is open for accession by all States.
- (4) Instruments of ratification, acceptance, approval or accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 28

Declarations with respect to non-unified legal systems

- (1) If a State has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that the Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (2) A declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
- (3) If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.
- (4) This Article shall not apply to a Regional Economic Integration Organisation.

matière particulière, prévoit des règles relatives à la compétence ou la reconnaissance ou l'exécution des jugements, même si ce traité a été conclu après cette Convention et que tous les États concernés sont Parties à cette Convention. Ce paragraphe s'applique uniquement si l'État contractant a fait une déclaration à l'égard de ce traité en vertu du présent paragraphe. Dans le cas d'une telle déclaration, les autres États contractants ne sont pas tenus d'appliquer cette Convention à cette matière particulière dans la mesure de l'incompatibilité, lorsqu'un accord exclusif d'élection de for désigne les tribunaux, ou un ou plusieurs tribunaux particuliers, de l'État contractant ayant fait cette déclaration.

(6) La présente Convention n'affecte pas l'application des règles d'une Organisation régionale d'intégration économique partie à cette Convention, que ces règles aient été adoptées avant ou après cette Convention :

- a) lorsque aucune des parties ne réside dans un État contractant qui n'est pas un État membre de l'Organisation régionale d'intégration économique;
- b) en ce qui a trait à la reconnaissance ou l'exécution de jugements entre les États membres de l'Organisation régionale d'intégration économique.

CHAPITRE V CLAUSES FINALES

Article 27

Signature, ratification, acceptation, approbation ou adhésion

- (1) La présente Convention est ouverte à la signature de tous les États.
- (2) La présente Convention est sujette à la ratification, à l'acceptation ou à l'approbation des États signataires.
- (3) Tout État pourra adhérer à la présente Convention.
- (4) Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion sont déposés auprès du Ministère des Affaires Étrangères du Royaume des Pays-Bas, depositaire de la Convention.

Article 28

Déclarations relatives aux systèmes juridiques non unifiés

- (1) Un État qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par la présente Convention peut, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles, et pourra à tout moment modifier cette déclaration en faisant une nouvelle déclaration.
- (2) Toute déclaration est notifiée au depositaire et indique expressément les unités territoriales auxquelles la Convention s'applique.
- (3) Si un État ne fait pas de déclaration en vertu du présent article, la Convention s'applique à l'ensemble du territoire de cet État.
- (4) Le présent article ne s'applique pas à une Organisation régionale d'intégration économique.

Article 29

Regional Economic Integration Organisations

(1) A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by this Convention.

(2) The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.

(3) For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation declares in accordance with Article 30 that its Member States will not be Parties to this Convention.

(4) Any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to a Regional Economic Integration Organisation that is a Party to it.

Article 30

Accession by a Regional Economic Integration Organisation without its Member States

(1) At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare that it exercises competence over all the matters governed by this Convention and that its Member States will not be Parties to this Convention but shall be bound by virtue of the signature, acceptance, approval or accession of the Organisation.

(2) In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 1, any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to the Member States of the Organisation.

Article 31

Entry into force

(1) This Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the second instrument of ratification, acceptance, approval or accession referred to in Article 27.

(2) Thereafter this Convention shall enter into force –

- a) for each State or Regional Economic Integration Organisation subsequently ratifying, accepting, ap-

Article 29

Organisations régionales d'intégration économique

(1) Une Organisation régionale d'intégration économique constituée seulement par des États souverains et ayant compétence sur certaines ou toutes les matières régies par la présente Convention peut également signer, accepter ou approuver cette Convention ou y adhérer. En pareil cas, l'Organisation régionale d'intégration économique aura les mêmes droits et obligations qu'un État contractant, dans la mesure où cette Organisation a compétence sur des matières régies par cette Convention.

(2) Au moment de la signature, de l'acceptation, de l'approbation ou de l'adhésion, l'Organisation régionale d'intégration économique notifie au dépositaire, par écrit, les matières régies par la présente Convention pour lesquelles ses États membres ont transféré leur compétence à cette Organisation. L'Organisation notifie aussitôt au dépositaire, par écrit, toute modification intervenue dans la délégation de compétence précisée dans la notification la plus récente faite en vertu du présent paragraphe.

(3) Pour les fins de l'entrée en vigueur de la présente Convention, tout instrument déposé par une Organisation régionale d'intégration économique n'est pas compté, à moins que l'Organisation régionale d'intégration économique déclare, en vertu de l'article 30, que ses États membres ne seront pas Parties à cette Convention.

(4) Toute référence à «État contractant» ou «État» dans la présente Convention s'applique également, le cas échéant, à une Organisation régionale d'intégration économique qui y est Partie.

Article 30

Adhésion par une Organisation régionale d'intégration économique sans ses États membres

(1) Au moment de la signature, de l'acceptation, de l'approbation ou de l'adhésion, une Organisation régionale d'intégration économique peut déclarer qu'elle a compétence pour toutes les matières régies par la présente Convention et que ses États membres ne seront pas Parties à cette Convention mais y seront liés en raison du fait de la signature, de l'acceptation, de l'approbation ou de l'adhésion de l'Organisation.

(2) Lorsqu'une déclaration est faite par une Organisation régionale d'intégration économique en conformité avec le paragraphe premier, toute référence à «État contractant» ou «État» dans la présente Convention s'applique également, le cas échéant, aux États membres de l'Organisation.

Article 31

Entrée en vigueur

(1) La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de trois mois après le dépôt du deuxième instrument de ratification, d'acceptation, d'approbation ou d'adhésion visé par l'article 27.

(2) Par la suite, la présente Convention entrera en vigueur :

- a) pour chaque État ou Organisation régionale d'intégration économique ratifiant, acceptant, ap-

proving or acceding to it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession;

- b) for a territorial unit to which this Convention has been extended in accordance with Article 28, paragraph 1, on the first day of the month following the expiration of three months after the notification of the declaration referred to in that Article.

Article 32 Declarations

(1) Declarations referred to in Articles 19, 20, 21, 22 and 26 may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

(2) Declarations, modifications and withdrawals shall be notified to the depositary.

(3) A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

(4) A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months after the date on which the notification is received by the depositary.

(5) A declaration under Articles 19, 20, 21 and 26 shall not apply to exclusive choice of court agreements concluded before it takes effect.

Article 33 Denunciation

(1) This Convention may be denounced by notification in writing to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.

(2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 34 Notifications by the depositary

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 27, 29 and 30 of the following –

prouvant ou y adhérant postérieurement, le premier jour du mois suivant l'expiration d'une période de trois mois après le dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion;

- b) pour les unités territoriales auxquelles la présente Convention a été étendue conformément à l'article 28, paragraphe premier, le premier jour du mois suivant l'expiration d'une période de trois mois après la notification de la déclaration visée par ledit article.

Article 32 Déclarations

(1) Les déclarations visées aux articles 19, 20, 21, 22 et 26 peuvent être faites lors de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion ou à tout moment ultérieur et pourront être modifiées ou retirées à tout moment.

(2) Les déclarations, modifications et retraits sont notifiés au dépositaire.

(3) Une déclaration faite au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion prendra effet au moment de l'entrée en vigueur de la Convention pour l'État concerné.

(4) Une déclaration faite ultérieurement, ainsi qu'une modification ou le retrait d'une déclaration, prendra effet le premier jour du mois suivant l'expiration d'une période de trois mois après la date de réception de la notification par le dépositaire.

(5) Une déclaration faite en vertu des articles 19, 20, 21 et 26 ne s'applique pas aux accords exclusifs d'élection de for conclus avant qu'elle ne prenne effet.

Article 33 Dénunciation

(1) La présente Convention pourra être dénoncée par une notification écrite au dépositaire. La dénonciation pourra se limiter à certaines unités territoriales d'un système juridique non unifié auxquelles s'applique la présente Convention.

(2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date de réception de la notification par le dépositaire. Lorsqu'une période plus longue pour la prise d'effet de la dénonciation est précisée dans la notification, la dénonciation prendra effet à l'expiration de la période en question après la date de réception de la notification par le dépositaire.

Article 34 Notifications par le dépositaire

Le dépositaire notifiera aux Membres de la Conférence de La Haye de droit international privé, ainsi qu'aux autres États et aux Organisations régionales d'intégration économique qui ont signé, ratifié, accepté, approuvé ou adhéré conformément aux articles 27, 29 et 30 les renseignements suivants :

- a) the signatures, ratifications, acceptances, approvals and accessions referred to in Articles 27, 29 and 30;
- b) the date on which this Convention enters into force in accordance with Article 31;
- c) the notifications, declarations, modifications and withdrawals of declarations referred to in Articles 19, 20, 21, 22, 26, 28, 29 and 30;
- d) the denunciations referred to in Article 33.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on 30 June 2005, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Member States of the Hague Conference on Private International Law as of the date of its Twentieth Session and to each State which participated in that Session.

- a) les signatures, ratifications, acceptations, approbations et adhésions prévues aux articles 27, 29 et 30;
- b) la date d'entrée en vigueur de la présente Convention conformément à l'article 31;
- c) les notifications, les déclarations, et les modifications et retraits des déclarations prévues aux articles 19, 20, 21, 22, 26, 28, 29 et 30;
- d) les dénonciations prévues à l'article 33.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le 30 juin 2005, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des États membres de la Conférence de La Haye de droit international privé lors de sa Vingtième session, ainsi qu'à tout État ayant participé à cette Session.

**SCHEDULE 5
INTERNATIONAL COMMERCIAL
ARBITRATION ACT, 2016**

CONTENTS

**PART I
THE CONVENTION**

1. Interpretation
2. Application of Convention
3. Designation of court

**PART II
THE MODEL LAW**

4. Interpretation
5. Application of Model Law
6. Interpretation of Model Law
7. Rules applicable to substance of dispute

**PART III
GENERAL**

8. Enforcement of consolidation agreements
9. Stay of proceedings
10. Limitation period
11. Appeals re jurisdiction
12. Crown bound

**PART IV
COMPLEMENTARY AMENDMENTS**

13. Arbitration Act, 1991
14. Limitations Act, 2002
15. Repeal

**PART V
COMMENCEMENT AND SHORT TITLE**

16. Commencement
17. Short title
- Schedule 1 Convention on the Recognition and Enforcement of Foreign Arbitral Awards
- Schedule 2 Uncitral Model Law on International Commercial Arbitration

**PART I
THE CONVENTION**

Interpretation

1. Except as otherwise provided in this Act, words and expressions used in this Part have the same meaning as the corresponding words and expressions in the Convention.

Application of Convention

2. (1) Subject to this Act, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, adopted by the United Nations Conference on International Commercial Arbitration in New York on 10 June 1958 and set out in Schedule 1, has force of law in Ontario in relation to arbitral awards or arbitration agreements in respect of differences arising out of commercial relationships.

Same

(2) Subsection (1) applies to arbitral awards and arbitration agreements whether made before or after the coming into force of this Act.

**ANNEXE 5
LOI DE 2016 SUR L'ARBITRAGE COMMERCIAL
INTERNATIONAL**

SOMMAIRE

**PARTIE I
LA CONVENTION**

1. Interprétation
2. Application de la Convention
3. Tribunal compétent

**PARTIE II
LA LOI TYPE**

4. Interprétation
5. Application de la Loi type
6. Interprétation de la Loi type
7. Règles applicables au fond du différend

**PARTIE III
DISPOSITIONS GÉNÉRALES**

8. Requête visant la réunion d'instances d'arbitrage
9. Suspension de l'instance
10. Délai de prescription
11. Appels relatifs à la compétence
12. La Couronne est liée

**PARTIE IV
MODIFICATIONS COMPLÉMENTAIRES**

13. Loi de 1991 sur l'arbitrage
14. Loi de 2002 sur la prescription des actions
15. Abrogation

**PARTIE V
ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ**

16. Entrée en vigueur
17. Titre abrégé
- Annexe 1 Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères
- Annexe 2 Loi type de la CNUDCI sur l'arbitrage commercial international

**PARTIE I
LA CONVENTION**

Interprétation

1. Sauf disposition contraire de la présente loi, les termes et expressions employés dans la présente partie s'entendent au sens de la Convention.

Application de la Convention

2. (1) Sous réserve de la présente loi, la Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères que la Conférence des Nations Unies sur l'arbitrage commercial international a adoptée à New York le 10 juin 1958 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario à l'égard des sentences arbitrales ou des conventions d'arbitrage relatives à des différends découlant de rapports commerciaux de droit.

Idem

(2) Le paragraphe (1) s'applique aux sentences arbitrales et aux conventions d'arbitrage, qu'elles soient antérieures ou postérieures à l'entrée en vigueur de la présente loi.

Determining application

(3) In determining whether the Convention applies to certain types of arbitral awards,

- (a) an arbitral award made in a jurisdiction within Canada that is considered to be international in that jurisdiction is not considered to be a domestic award for the purpose of article I (1) of the Convention; and
- (b) an arbitral award made in a jurisdiction within Canada that is not considered to be international in that jurisdiction is considered to be a domestic award for the purpose of article I (1) of the Convention.

Designation of court

3. For the purpose of seeking recognition and enforcement of an arbitral award pursuant to the Convention, application shall be made to the Superior Court of Justice.

PART II THE MODEL LAW

Interpretation

4. Except as otherwise provided in this Act, words and expressions used in this Part have the same meaning as the corresponding words and expressions in the Model Law.

Application of Model Law

5. (1) Subject to this Act, the Model Law on International Commercial Arbitration, adopted by the United Nations Commission on International Trade Law on 21 June 1985, as amended by the United Nations Commission on International Trade Law on 7 July 2006, set out in Schedule 2, has force of law in Ontario.

Same

(2) With respect to article 7 of the Model Law, option I applies in Ontario; option II does not.

Same

(3) The Model Law applies to international commercial arbitration agreements and awards made in international commercial arbitrations, whether made before or after the coming into force of this Act.

Interpretation of Model Law

6. (1) For the purposes of subsection 5 (1), the words and expressions listed in Column 2 of the following table, as used in the provisions of the Model Law set out in Column 1 of the table, shall be read as the words and expressions listed in the corresponding row of Column 3 of the table.

TABLE

Column 1	Column 2	Column 3
article 1 (1)	"agreement in force between this State and any other State or States"	"an agreement that is in force in Ontario between Canada and any other country or countries"

Détermination de l'application

(3) Les règles suivantes servent à la qualification des sentences arbitrales pour l'application de la Convention :

- a) la sentence arbitrale à caractère international selon le droit de la province ou du territoire du Canada où elle est rendue n'est pas considérée comme sentence nationale pour l'application du paragraphe I (1) de la Convention;
- b) la sentence arbitrale ne revêtant pas un caractère international selon le droit de la province ou du territoire du Canada où elle est rendue est considérée comme sentence nationale pour l'application du paragraphe I (1) de la Convention.

Tribunal compétent

3. Les requêtes visant la reconnaissance et l'exécution de sentences arbitrales aux termes de la Convention sont présentées à la Cour supérieure de justice.

PARTIE II LA LOI TYPE

Interprétation

4. Sauf disposition contraire de la présente loi, les termes et expressions employés dans la présente partie s'entendent au sens de la Loi type.

Application de la Loi type

5. (1) Sous réserve de la présente loi, la Loi type sur l'arbitrage commercial international, que la Commission des Nations Unies pour le droit commercial international a adoptée le 21 juin 1985 et amendée le 7 juillet 2006, et dont le texte est reproduit à l'annexe 2, a force de loi en Ontario.

Idem

(2) En ce qui a trait à l'article 7 de la Loi type, l'option I qui y figure est retenue pour l'Ontario et l'option II est exclue.

Idem

(3) La Loi type s'applique aux conventions d'arbitrage commercial international et aux sentences arbitrales rendues à leur égard, peu importe qu'elles soient antérieures ou postérieures à l'entrée en vigueur de la présente loi.

Interprétation de la Loi type

6. (1) Pour l'application du paragraphe 5 (1), les mots et expressions figurant à la colonne 2 du tableau suivant, tels qu'ils sont employés dans les dispositions de la Loi type indiquées dans la colonne 1 du tableau, s'interprètent comme les mots et expressions mentionnés dans la rangée correspondante de la colonne 3 du tableau.

TABLEAU

Colonne 1	Colonne 2	Colonne 3
paragraphe 1 (1)	«accord multilatéral ou bilatéral en vigueur pour le présent État»	«accord en vigueur en Ontario que le Canada a conclu avec un ou plusieurs autres pays»

articles 1 (2), 17 J, 27, 34 (2) (a) (i), 34 (2) (b) (ii), and 36 (1) (b) (ii)	"this State"	"Ontario"
article 1 (3)	"different States" and "the State"	"different countries" and "the country", respectively
article 1 (5)	"any other law of this State"	"any other law of Ontario or laws of Canada that are in force in Ontario"
articles 34 (2) (b) (i), and 36 (1) (b) (i)	"the law of this State"	"the law of Ontario and any laws of Canada that are in force in Ontario"
article 35 (2)	"this State"	"Canada"

Same, "court" or "competent court"

(2) "Court" or "competent court", when used in the Model Law in reference to an Ontario court, shall be read as a reference to the Superior Court of Justice unless the context requires otherwise.

Use of extrinsic material

(3) In applying the Model Law, recourse may be had to,

- (a) the Reports of the United Nations Commission on International Trade Law on the work of its 18th (3 – 21 June 1985) and 39th (19 June – 7 July 2006) sessions (U.N. Docs. A/40/17 and A/61/17);
- (b) the International Commercial Arbitration Analytical Commentary on Draft Text of a Model Law on International Commercial Arbitration (U.N. Doc A/CN.9/264); and
- (c) the Commentary of the United Nations Commission on International Trade Law concerning the UNCITRAL Model Law on International Commercial Arbitration 1985 with Amendments as Adopted in 2006 (U.N. Sales No. E.08.V.4).

Rules applicable to substance of dispute

7. Despite article 28 (2) of the Model Law, if the parties fail to make a designation pursuant to article 28 (1) of the Model Law, the arbitral tribunal shall apply the rules of law it considers to be appropriate given all the circumstances respecting the dispute.

PART III GENERAL

Enforcement of consolidation agreements

8. (1) If all parties to two or more arbitral proceedings have agreed to consolidate those proceedings, a party, with notice to the others, may apply to the Superior Court of Justice for an order that the proceedings be consolidat-

paragraphe 1 (2), articles 17 J, 27, sous-alinéas 34 (2) a) (i), 34 (2) b) (ii) et 36 (1) b) (ii)	«du présent État»	«de l'Ontario»
paragraphe 1 (3)	«des États différents» et «de l'État»	«des pays différents» et «du pays» respectivement
paragraphe 1 (5)	«à aucune autre loi du présent État»	«à aucune loi de l'Ontario ni à aucune des lois du Canada qui sont en vigueur en Ontario»
sous-alinéas 34 (2) b) (i) et 36 (1) b) (i)	«à la loi du présent État»	«à la loi de l'Ontario et aux lois du Canada qui sont en vigueur en Ontario»
paragraphe 35 (2)	«du présent État»	«du Canada»

Idem : «tribunal» et «tribunal compétent»

(2) Les termes «tribunal» et «tribunal compétent», lorsqu'ils visent dans la Loi type un tribunal de l'Ontario, valent mention de la Cour supérieure de justice, sauf si le contexte exige une interprétation différente.

Recours à des documents externes

(3) Pour l'application de la Loi type, il peut être fait appel aux documents suivants :

- a) les rapports de la Commission des Nations Unies pour le droit commercial international sur les travaux de sa 18^e session (tenue du 3 au 21 juin 1985) et de sa 39^e session (tenue du 19 juin au 7 juillet 2006) [documents des Nations Unies A/40/17 et A/61/17];
- b) le Commentaire analytique du projet de texte d'une Loi type sur l'arbitrage commercial international [document des Nations Unies A/CN.9/264];
- c) le Commentaire de la Commission des Nations Unies pour le droit commercial international ayant trait à sa Loi type sur l'arbitrage commercial international adoptée en 1985 avec les modifications adoptées en 2006 [publication des Nations Unies, numéro de vente F.08.V.4].

Règles applicables au fond du différend

7. Malgré le paragraphe 28 (2) de la Loi type, à défaut par les parties d'effectuer la désignation prévue par le paragraphe 28 (1) de cette loi, le tribunal arbitral applique les règles de droit qu'il estime indiquées eu égard à l'ensemble des circonstances relatives au différend.

PARTIE III DISPOSITIONS GÉNÉRALES

Requête visant la réunion d'instances d'arbitrage

8. (1) Si l'ensemble des parties à deux ou plusieurs instances d'arbitrage distinctes concluent un accord selon lequel elles s'engagent à procéder au moyen d'un arbitrage unique, une partie peut demander par requête à la

ed as agreed to by the parties.

Consolidation permissible without order

(2) Subsection (1) does not prohibit parties from consolidating arbitral proceedings without a court order.

Powers of court

(3) On an application under subsection (1), if all parties to the arbitral proceedings have agreed to consolidate the proceedings but have not agreed, through the adoption of procedural rules or otherwise, to the following matters, the court may, subject to subsection (4), make an order deciding either or both of those matters:

1. The designation of parties as claimants or respondents or a method for making those designations.
2. The method for determining the composition of the arbitral tribunal.

Same, limitation

(4) If the arbitral proceedings are under different arbitration agreements, no order shall be made under subsection (1) unless, by their arbitration agreements or otherwise, the parties have agreed,

- (a) to the same place of arbitration or a method for determining a single place of arbitration for the consolidated proceeding within Ontario;
- (b) to the same procedural rules or a method for determining a single set of procedural rules for the conduct of the consolidated proceedings; and
- (c) either to have the consolidated proceedings administered by the same arbitral institution or to have the consolidated proceedings not be administered by any arbitral institution.

Relevant circumstances

(5) In making an order under this section, the court may have regard to any circumstances that it considers relevant, including whether,

- (a) one or more arbitrators have been appointed in one or more of the arbitral proceedings;
- (b) the applicant delayed applying for the order; or
- (c) any material prejudice to any of the parties or any injustice may result from making an order.

Stay of proceedings

9. Where, pursuant to article II (3) of the Convention or article 8 of the Model Law, a court refers the parties to

Cour supérieure de justice, sur préavis donné à l'ensemble des autres parties, que soit rendue une ordonnance prévoyant la réunion des instances en conformité avec l'accord intervenu entre les parties.

Réunion permise sans ordonnance

(2) Le paragraphe (1) n'a pas pour effet d'empêcher les parties de procéder à la réunion des instances d'arbitrage sans ordonnance judiciaire.

Pouvoirs du tribunal

(3) Au moment où il statue sur une requête présentée en vertu du paragraphe (1), le tribunal peut, sous réserve des exigences prévues au paragraphe (4), rendre une ordonnance fixant les points énoncés ci-dessous, si toutes les parties ont convenu de procéder au moyen d'un arbitrage unique mais n'ont pas réglé ces points dans le cadre de règles procédurales adoptées ou autrement :

1. La désignation des parties en qualité de demandeurs ou de défendeurs ou la procédure applicable à ces désignations.
2. La procédure applicable au choix des membres du tribunal d'arbitrage.

Idem, restriction

(4) Dans les cas où les instances d'arbitrage sont introduites en vertu de conventions d'arbitrage distinctes, une ordonnance peut être rendue en vertu du paragraphe (1) seulement si les parties se sont entendues sur les points suivants, dans le cadre des conventions en cause ou autrement :

- a) un lieu commun pour la tenue de l'arbitrage en Ontario ou la marche à suivre pour la fixation d'un tel lieu;
- b) un ensemble commun de règles procédurales applicables aux instances d'arbitrage ou la marche à suivre pour l'établissement d'un tel ensemble de règles en vue de l'arbitrage unique;
- c) le recours ou l'absence de recours à une institution arbitrale commune pour la tenue de l'arbitrage unique.

Éléments pertinents

(5) En vue de rendre une ordonnance en vertu du présent article, le tribunal peut tenir compte des éléments suivants et de tout autre facteur qu'il estime pertinent :

- a) le fait qu'un ou plusieurs arbitres ont déjà été nommés pour l'ensemble ou une partie des arbitrages;
- b) le retard du requérant à demander la réunion des instances;
- c) tout préjudice important que la réunion des instances pourrait causer à l'une des parties ou toute injustice qui pourrait découler d'une telle mesure.

Suspension de l'instance

9. La décision du tribunal de renvoyer les parties à l'arbitrage en application du paragraphe II (3) de la Con-

arbitration, the proceedings of the court are stayed with respect to the matters to which the arbitration relates.

Limitation period

10. No application under the Convention or the Model Law for recognition or enforcement (or both) of an arbitral award shall be made after the later of December 31, 2018 and the tenth anniversary of,

- (a) the date on which the award was made; or
- (b) if proceedings at the place of arbitration to set aside the award were commenced, the date on which the proceedings concluded.

Appeals re jurisdiction

11. (1) If, pursuant to article 16 (2) of the Model Law, an arbitral tribunal rules on a plea that it does not have jurisdiction, any party may apply to the Superior Court of Justice to decide the matter.

No appeal

(2) The court's decision under subsection (1) is not subject to appeal.

Effect on other matters

(3) If the arbitral tribunal rules on the plea as a preliminary question and an application is brought under this section, the proceedings of the arbitral tribunal are not stayed with respect to any other matters to which the arbitration relates and are within its jurisdiction.

Crown bound

12. (1) This Act binds the Crown.

Enforceability of awards

(2) An award recognized pursuant to this Act is enforceable against the Crown in the same manner and to the same extent as a judgment is enforceable against the Crown.

PART IV COMPLEMENTARY AMENDMENTS

Arbitration Act, 1991

13. Subsection 52 (3) of the *Arbitration Act, 1991* is repealed and the following substituted:

Enforcement of award

(3) An application to enforce an award shall not be commenced after the later of December 31, 2018 and the tenth anniversary of,

- (a) the day the award was received; or
- (b) if an application to set aside the award was commenced, the date on which the application was finally determined.

vention ou de l'article 8 de la Loi type opère suspension de l'instance judiciaire relativement aux questions visées par l'arbitrage.

Délai de prescription

10. Le droit de déposer une requête visant la reconnaissance ou l'exécution d'une sentence arbitrale (ou les deux) en vertu de la Convention ou de la Loi type se prescrit à compter du 31 décembre 2018 ou, si cette date est plus éloignée, à compter du dixième anniversaire des dates suivantes, selon le cas :

- a) la date à laquelle la sentence a été rendue;
- b) si la sentence fait l'objet d'un recours en annulation dans le lieu de l'arbitrage, la date à laquelle le recours en cause s'est terminé.

Appels relatifs à la compétence

11. (1) Si le tribunal arbitral donne droit à une exception présentée en vertu du paragraphe 16 (2) de la Loi type et rend une décision dans laquelle il décline compétence, l'une ou l'autre des parties peut demander par requête à la Cour supérieure de justice de se prononcer sur le bien-fondé de l'affaire.

Aucun appel

(2) La décision du tribunal visée au paragraphe (1) ne peut faire l'objet d'un appel.

Effet sur les autres questions

(3) S'il statue sur l'exception en la traitant comme question préalable et qu'une requête est déposée en vertu du présent article, le tribunal arbitral conserve sa compétence à l'égard de toutes les autres questions auxquelles se rapporte l'arbitrage et il peut continuer à instruire l'instance.

La Couronne est liée

12. (1) La présente loi lie la Couronne.

Opposabilité des sentences

(2) Les sentences arbitrales reconnues en vertu de la présente loi sont opposables à la Couronne selon la même procédure et dans la même mesure que tout jugement.

PARTIE IV MODIFICATIONS COMPLÉMENTAIRES

Loi de 1991 sur l'arbitrage

13. Le paragraphe 52 (3) de la *Loi de 1991 sur l'arbitrage* est abrogé et remplacé par ce qui suit :

Exécution de la sentence

(3) Le droit de présenter une requête en vue d'obtenir l'exécution d'une sentence se prescrit à compter du 31 décembre 2018 ou, si cette date est plus éloignée, à compter du dixième anniversaire des dates suivantes, selon le cas :

- a) la date à laquelle la sentence a été communiquée;
- b) si une requête en annulation de la sentence a été présentée, la date à laquelle la requête a été réglée de façon définitive.

Limitations Act, 2002

14. (1) Clause 16 (1) (d) of the *Limitations Act, 2002* is repealed.

(2) The Schedule to the Act is amended by adding the following:

Arbitration Act, 1991	subsection 52 (3)
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International Commercial Arbitration Act, 2016	section 10
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Repeal

15. The *International Commercial Arbitration Act* is repealed.

**PART V
COMMENCEMENT AND SHORT TITLE**

Commencement

16. The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Short title

17. The short title of the Act set out in this Schedule is the *International Commercial Arbitration Act, 2016*.

Loi de 2002 sur la prescription des actions

14. (1) L'alinéa 16 (1) d) de la *Loi de 2002 sur la prescription des actions* est abrogé.

(2) L'annexe de la Loi est modifiée par adjonction des rangées suivantes :

Arbitrage, Loi de 1991 sur l'	paragraphe 52 (3)
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Arbitrage commercial international, Loi de 2016 sur l'	article 10
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Abrogation

15. La *Loi sur l'arbitrage commercial international* est abrogée.

**PARTIE V
ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ**

Entrée en vigueur

16. La loi figurant à la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Titre abrégé

17. Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2016 sur l'arbitrage commercial international*.

SCHEDULE 1

CONVENTION ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term “arbitral awards” shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term “agreement in writing” shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention

ANNEXE 1

CONVENTION POUR LA RECONNAISSANCE ET
L'EXÉCUTION DES SENTENCES ARBITRALES
ÉTRANGÈRES

Article premier

1. La présente Convention s'applique à la reconnaissance et à l'exécution des sentences arbitrales rendues sur le territoire d'un État autre que celui où la reconnaissance et l'exécution des sentences sont demandées, et issues de différends entre personnes physiques ou morales. Elle s'applique également aux sentences arbitrales qui ne sont pas considérées comme sentences nationales dans l'État où leur reconnaissance et leur exécution sont demandées.

2. On entend par «sentences arbitrales» non seulement les sentences rendues par des arbitres nommés pour des cas déterminés, mais également celles qui sont rendues par des organes d'arbitrage permanents auxquels les parties se sont soumises.

3. Au moment de signer ou de ratifier la présente Convention, d'y adhérer ou de faire la notification d'extension prévue à l'article X, tout État pourra, sur la base de la réciprocité, déclarer qu'il appliquera la Convention à la reconnaissance et à l'exécution des seules sentences rendues sur le territoire d'un autre État contractant. Il pourra également déclarer qu'il appliquera la Convention uniquement aux différends issus de rapports de droit, contractuels ou non contractuels, qui sont considérés comme commerciaux par sa loi nationale.

Article II

1. Chacun des États contractants reconnaît la convention écrite par laquelle les parties s'obligent à soumettre à un arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel, portant sur une question susceptible d'être réglée par voie d'arbitrage.

2. On entend par «convention écrite» une clause compromissoire insérée dans un contrat, ou un compromis, signés par les parties ou contenus dans un échange de lettres ou de télégrammes.

3. Le tribunal d'un État contractant, saisi d'un litige sur une question au sujet de laquelle les parties ont conclu une convention au sens du présent article, renverra les parties à l'arbitrage, à la demande de l'une d'elles, à moins qu'il ne constate que ladite convention est caduque, inopérante ou non susceptible d'être appliquée.

Article III

Chacun des États contractants reconnaîtra l'autorité d'une sentence arbitrale et accordera l'exécution de cette sentence conformément aux règles de procédure suivies dans le territoire où la sentence est invoquée, aux conditions établies dans les articles suivants. Il ne sera pas imposé, pour la reconnaissance ou l'exécution des sentences arbitrales auxquelles s'applique la présente Convention, de

applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

- (a) The duly authenticated original award or a duly certified copy thereof;
- (b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

- (a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
- (b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or
- (c) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
- (d) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
- (e) The award has not yet become binding on the parties, or has been set aside or suspended by a com-

conditions sensiblement plus rigoureuses, ni de frais de justice sensiblement plus élevés, que ceux qui sont imposés pour la reconnaissance ou l'exécution des sentences arbitrales nationales.

Article IV

1. Pour obtenir la reconnaissance et l'exécution visées à l'article précédent, la partie qui demande la reconnaissance et l'exécution doit fournir, en même temps que la demande :

- a) L'original dûment authentifié de la sentence ou une copie de cet original réunissant les conditions requises pour son authenticité;
- b) L'original de la convention visée à l'article II, ou une copie réunissant les conditions requises pour son authenticité.

2. Si ladite sentence ou ladite convention n'est pas rédigée dans une langue officielle du pays où la sentence est invoquée, la partie qui demande la reconnaissance et l'exécution de la sentence aura à produire une traduction de ces pièces dans cette langue. La traduction devra être certifiée par un traducteur officiel ou un traducteur juré ou par un agent diplomatique ou consulaire.

Article V

1. La reconnaissance et l'exécution de la sentence ne seront refusées, sur requête de la partie contre laquelle elle est invoquée, que si cette partie fournit à l'autorité compétente du pays où la reconnaissance et l'exécution sont demandées la preuve :

- a) Que les parties à la convention visée à l'article II étaient, en vertu de la loi à elles applicable, frappées d'une incapacité, ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du pays où la sentence a été rendue; ou
- b) Que la partie contre laquelle la sentence est invoquée n'a pas été dûment informée de la désignation de l'arbitre ou de la procédure d'arbitrage, ou qu'il lui a été impossible, pour une autre raison, de faire valoir ses moyens; ou
- c) Que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire; toutefois, si les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, les premières pourront être reconnues et exécutées; ou
- d) Que la constitution du tribunal arbitral ou la procédure d'arbitrage n'a pas été conforme à la convention des parties, ou, à défaut de convention, qu'elle n'a pas été conforme à la loi du pays où l'arbitrage a eu lieu; ou
- e) Que la sentence n'est pas encore devenue obligatoire pour les parties ou a été annulée ou suspendue

petent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

- (a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or
- (b) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V(1)(e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

par une autorité compétente du pays dans lequel, ou d'après la loi duquel, la sentence a été rendue.

2. La reconnaissance et l'exécution d'une sentence arbitrale pourront aussi être refusées si l'autorité compétente du pays où la reconnaissance et l'exécution sont requises constate :

- a) Que, d'après la loi de ce pays, l'objet du différend n'est pas susceptible d'être réglé par voie d'arbitrage; ou
- b) Que la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public de ce pays.

Article VI

Si l'annulation ou la suspension de la sentence est demandée à l'autorité compétente visée à l'article V, paragraphe 1 e), l'autorité devant qui la sentence est invoquée peut, si elle l'estime approprié, surseoir à statuer sur l'exécution de la sentence; elle peut aussi, à la requête de la partie qui demande l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables.

Article VII

1. Les dispositions de la présente Convention ne portent pas atteinte à la validité des accords multilatéraux ou bilatéraux conclus par les États contractants en matière de reconnaissance et d'exécution de sentences arbitrales et ne privent aucune partie intéressée du droit qu'elle pourrait avoir de se prévaloir d'une sentence arbitrale de la manière et dans la mesure admises par la législation ou les traités du pays où la sentence est invoquée.

2. Le Protocole de Genève de 1923 relatif aux clauses d'arbitrage et la Convention de Genève de 1927 pour l'exécution des sentences arbitrales étrangères cesseront de produire leurs effets entre les États contractants du jour, et dans la mesure, où ceux-ci deviendront liés par la présente Convention.

Article VIII

1. La présente Convention est ouverte jusqu'au 31 décembre 1958 à la signature de tout État Membre des Nations Unies, ainsi que de tout autre État qui est, ou deviendra par la suite, membre d'une ou plusieurs institutions spécialisées des Nations Unies ou partie au Statut de la Cour internationale de Justice, ou qui aura été invité par l'Assemblée générale des Nations Unies.

2. La présente Convention doit être ratifiée et les instruments de ratification déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article IX

1. Tous les États visés à l'article VIII peuvent adhérer à la présente Convention.

2. L'adhésion se fera par le dépôt d'un instrument d'adhésion auprès du Secrétaire général de l'Organisation des Nations Unies.

Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;
- (c) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

Article X

1. Tout État pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international, ou à l'un ou plusieurs d'entre eux. Cette déclaration produira ses effets au moment de l'entrée en vigueur de la Convention pour ledit État.

2. Par la suite, toute extension de cette nature se fera par notification adressée au Secrétaire général de l'Organisation des Nations Unies et produira ses effets à partir du quatre-vingt-dixième jour qui suivra la date à laquelle le Secrétaire général de l'Organisation des Nations Unies aura reçu la notification, ou à la date d'entrée en vigueur de la Convention pour ledit État si cette dernière date est postérieure.

3. En ce qui concerne les territoires auxquels la présente Convention ne s'applique pas à la date de la signature, de la ratification ou de l'adhésion, chaque État intéressé examinera la possibilité de prendre les mesures voulues pour étendre la Convention à ces territoires, sous réserve le cas échéant, lorsque des motifs constitutionnels l'exigeront, de l'assentiment des gouvernements de ces territoires.

Article XI

Les dispositions ci-après s'appliqueront aux États fédératifs ou non unitaires :

- a) En ce qui concerne les articles de la présente Convention qui relèvent de la compétence législative du pouvoir fédéral, les obligations du gouvernement fédéral seront les mêmes que celles des États contractants qui ne sont pas des États fédératifs;
- b) En ce qui concerne les articles de la présente Convention qui relèvent de la compétence législative de chacun des États ou provinces constituants, qui ne sont pas, en vertu du système constitutionnel de la fédération, tenus de prendre des mesures législatives, le gouvernement fédéral portera le plus tôt possible, et avec son avis favorable, lesdits articles à la connaissance des autorités compétentes des États ou provinces constituants;
- c) Un État fédératif Partie à la présente Convention communiquera, à la demande de tout autre État contractant qui lui aura été transmise par l'intermédiaire du Secrétaire général de l'Organisation des Nations Unies, un exposé de la législation et des pratiques en vigueur dans la fédération et ses unités constituantes, en ce qui concerne telle ou telle disposition de la Convention, indiquant la mesure dans laquelle effet a été donné, par une action législative ou autre, à ladite disposition.

Article XII

1. La présente Convention entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt du troisième instrument de ratification ou d'adhésion.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

- (a) Signatures and ratifications in accordance with article VIII;
- (b) Accessions in accordance with article IX;
- (c) Declarations and notifications under articles I, X and XI;
- (d) The date upon which this Convention enters into force in accordance with article XII;
- (e) Denunciations and notifications in accordance with article XIII.

Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

2. Pour chacun des États qui ratifieront la Convention ou y adhéreront après le dépôt du troisième instrument de ratification ou d'adhésion, elle entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt par cet État de son instrument de ratification ou d'adhésion.

Article XIII

1. Tout État contractant pourra dénoncer la présente Convention par notification écrite adressée au Secrétaire général de l'Organisation des Nations Unies. La dénonciation prendra effet un an après la date où le Secrétaire général de l'Organisation des Nations Unies aura reçu la notification.

2. Tout État qui aura fait une déclaration ou une notification conformément à l'article X pourra notifier ultérieurement au Secrétaire général de l'Organisation des Nations Unies que la Convention cessera de s'appliquer au territoire en question un an après la date à laquelle le Secrétaire général aura reçu cette notification.

3. La présente Convention demeurera applicable aux sentences arbitrales au sujet desquelles une procédure de reconnaissance ou d'exécution aura été entamée avant l'entrée en vigueur de la dénonciation.

Article XIV

Un État contractant ne peut se réclamer des dispositions de la présente Convention contre d'autres États contractants que dans la mesure où il est lui-même tenu d'appliquer cette convention.

Article XV

Le Secrétaire général de l'Organisation des Nations Unies notifiera à tous les États visés à l'article VIII :

- a) Les signatures et ratifications visées à l'article VIII;
- b) Les adhésions visées à l'article IX;
- c) Les déclarations et notifications visées aux articles premier, X et XI;
- d) La date où la présente Convention entrera en vigueur, en application de l'article XII;
- e) Les dénonciations et notifications visées à l'article XIII.

Article XVI

1. La présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposée dans les archives de l'Organisation des Nations Unies.

2. Le Secrétaire général de l'Organisation des Nations Unies remettra une copie certifiée conforme de la présente Convention aux États visés à l'article VIII.

SCHEDULE 2 UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION

(United Nations documents A/40/17, annex I and
A/61/17, annex I)

**(As adopted by the United Nations Commission on
International Trade Law on 21 June 1985,
and as amended by the United Nations Commission
on International Trade Law on 7 July 2006)**

CHAPTER I. GENERAL PROVISIONS

Article 1. Scope of application

(1) This Law applies to international commercial arbitration, subject to any agreement in force between this State and any other State or States.

(2) The provisions of this Law, except articles 8, 9, 17 H, 17 I, 17 J, 35 and 36, apply only if the place of arbitration is in the territory of this State.

(3) An arbitration is international if:

- (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or
- (b) one of the following places is situated outside the State in which the parties have their places of business:

- (i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;

- (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or

- (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.

(4) For the purposes of paragraph (3) of this article:

- (a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;

- (b) if a party does not have a place of business, reference is to be made to his habitual residence.

(5) This Law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

Article 2. Definitions and rules of interpretation

For the purposes of this Law:

ANNEXE 2 LOI TYPE DE LA CNUDCI SUR L'ARBITRAGE COMMERCIAL INTERNATIONAL

(Documents des Nations Unies A/40/17, annexe I et
A/61/17, annexe I)

**(telle qu'adoptée par la Commission des Nations Unies
pour le droit commercial international le 21 juin 1985,
et amendée par elle le 7 juillet 2006)**

CHAPITRE PREMIER. DISPOSITIONS GÉNÉRALES

Article premier. Champ d'application

(1) La présente loi s'applique à l'arbitrage commercial international; elle ne porte atteinte à aucun accord multilatéral ou bilatéral en vigueur pour le présent État.

(2) Les dispositions de la présente loi, à l'exception des articles 8, 9, 17 H, 17 I, 17 J, 35 et 36, ne s'appliquent que si le lieu de l'arbitrage est situé sur le territoire du présent État.

(3) Un arbitrage est international si :

- a) les parties à une convention d'arbitrage ont, au moment de la conclusion de ladite convention, leur établissement dans des États différents; ou
- b) un des lieux ci-après est situé hors de l'État dans lequel les parties ont leur établissement :

- (i) le lieu de l'arbitrage, s'il est stipulé dans la convention d'arbitrage ou déterminé en vertu de cette convention;

- (ii) tout lieu où doit être exécutée une partie substantielle des obligations issues de la relation commerciale ou le lieu avec lequel l'objet du différend a le lien le plus étroit;

- c) les parties sont convenues expressément que l'objet de la convention d'arbitrage a des liens avec plus d'un pays.

(4) Aux fins du paragraphe (3) du présent article :

- a) si une partie a plus d'un établissement, l'établissement à prendre en considération est celui qui a la relation la plus étroite avec la convention d'arbitrage;

- b) si une partie n'a pas d'établissement, sa résidence habituelle en tient lieu.

(5) La présente loi ne porte atteinte à aucune autre loi du présent État en vertu de laquelle certains différends ne peuvent être soumis à l'arbitrage ou ne peuvent l'être qu'en application de dispositions autres que celles de la présente loi.

Article 2. Définitions et règles d'interprétation

Aux fins de la présente loi :

- (a) “arbitration” means any arbitration whether or not administered by a permanent arbitral institution;
- (b) “arbitral tribunal” means a sole arbitrator or a panel of arbitrators;
- (c) “court” means a body or organ of the judicial system of a State;
- (d) where a provision of this Law, except article 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, including an institution, to make that determination;
- (e) where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties, such agreement includes any arbitration rules referred to in that agreement;
- (f) where a provision of this Law, other than in articles 25(a) and 32(2) (a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

Article 2 A. *International origin and general principles*

(1) In the interpretation of this Law, regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith.

(2) Questions concerning matters governed by this Law which are not expressly settled in it are to be settled in conformity with the general principles on which this Law is based.

Article 3. *Receipt of written communications*

(1) Unless otherwise agreed by the parties:

- (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of the attempt to deliver it;
- (b) the communication is deemed to have been received on the day it is so delivered.

(2) The provisions of this article do not apply to communications in court proceedings.

- a) le terme «arbitrage» désigne tout arbitrage que l'organisation en soit ou non confiée à une institution permanente d'arbitrage;
- b) l'expression «tribunal arbitral» désigne un arbitre unique ou un groupe d'arbitres;
- c) le terme «tribunal» désigne un organisme ou organe du système judiciaire d'un État;
- d) lorsqu'une disposition de la présente loi, à l'exception de l'article 28, laisse aux parties la liberté de décider d'une certaine question, cette liberté emporte le droit pour les parties d'autoriser un tiers, y compris une institution, à décider de cette question;
- e) lorsqu'une disposition de la présente loi se réfère au fait que les parties sont convenues ou peuvent convenir d'une question, ou se réfère de toute autre manière à une convention des parties, une telle convention englobe tout règlement d'arbitrage qui y est mentionné;
- f) lorsqu'une disposition de la présente loi, autre que celles de l'alinéa a) de l'article 25 et de l'alinéa (2) a) de l'article 32, se réfère à une demande, cette disposition s'applique également à une demande reconventionnelle et lorsqu'elle se réfère à des conclusions en défense, elle s'applique également à des conclusions en défense sur une demande reconventionnelle.

Article 2 A. *Origine internationale et principes généraux*

(1) Pour l'interprétation de la présente loi, il est tenu compte de son origine internationale et de la nécessité de promouvoir l'uniformité de son application et le respect de la bonne foi.

(2) Les questions concernant les matières régies par la présente loi qui ne sont pas expressément réglées par elle sont tranchées selon les principes généraux dont elle s'inspire.

Article 3. *Réception de communications écrites*

(1) Sauf convention contraire des parties :

- a) toute communication écrite est réputée avoir été reçue si elle a été remise soit à la personne du destinataire, soit à son établissement, à sa résidence habituelle ou à son adresse postale; si aucun de ces lieux n'a pu être trouvé après une enquête raisonnable, une communication écrite est réputée avoir été reçue si elle a été envoyée au dernier établissement, à la dernière résidence habituelle ou à la dernière adresse postale connus du destinataire par lettre recommandée ou tout autre moyen attestant la tentative de remise;
- b) la communication est réputée avoir été reçue le jour d'une telle remise.

(2) Les dispositions du présent article ne s'appliquent pas aux communications échangées dans le cadre de procédures judiciaires.

Article 4. Waiver of right to object

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

Article 5. Extent of court intervention

In matters governed by this Law, no court shall intervene except where so provided in this Law.

Article 6. Court or other authority for certain functions of arbitration assistance and supervision

The functions referred to in articles 11(3), 11(4), 13(3), 14, 16(3) and 34(2) shall be performed by the Superior Court of Justice.

CHAPTER II.
ARBITRATION AGREEMENT*Option I**Article 7. Definition and form of arbitration agreement*

(1) "Arbitration agreement" is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) The arbitration agreement shall be in writing.

(3) An arbitration agreement is in writing if its content is recorded in any form, whether or not the arbitration agreement or contract has been concluded orally, by conduct, or by other means.

(4) The requirement that an arbitration agreement be in writing is met by an electronic communication if the information contained therein is accessible so as to be useable for subsequent reference; "electronic communication" means any communication that the parties make by means of data messages; "data message" means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange (EDI), electronic mail, telegram, telex or telecopy.

(5) Furthermore, an arbitration agreement is in writing if it is contained in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by the other.

Article 4. Renonciation au droit de faire objection

Est réputée avoir renoncé à son droit de faire objection toute partie qui, bien qu'elle sache que l'une des dispositions de la présente loi auxquelles les parties peuvent déroger, ou toute condition énoncée dans la convention d'arbitrage, n'a pas été respectée, poursuit néanmoins l'arbitrage sans formuler d'objection promptement ou, s'il est prévu un délai à cet effet, dans ledit délai.

Article 5. Domaine de l'intervention des tribunaux

Pour toutes les questions régies par la présente loi, les tribunaux ne peuvent intervenir que dans les cas où celle-ci le prévoit.

Article 6. Tribunal ou autre autorité chargé de certaines fonctions d'assistance et de contrôle dans le cadre de l'arbitrage

Les fonctions mentionnées aux articles 11 (3), 11 (4), 13 (3), 14, 16 (3) et 34 (2) sont confiées à la Cour supérieure de justice.

CHAPITRE II.
CONVENTION D'ARBITRAGE*Option I**Article 7. Définition et forme de la convention d'arbitrage*

(1) Une «convention d'arbitrage» est une convention par laquelle les parties décident de soumettre à l'arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel. Une convention d'arbitrage peut prendre la forme d'une clause compromissoire dans un contrat ou d'une convention séparée.

(2) La convention d'arbitrage doit se présenter sous forme écrite.

(3) Une convention d'arbitrage se présente sous forme écrite si son contenu est consigné sous une forme quelconque, que la convention elle-même ou le contrat aient ou non été conclus verbalement, du fait d'un comportement ou par d'autres moyens.

(4) Une communication électronique satisfait à l'exigence de forme écrite imposée pour la convention d'arbitrage si l'information qu'elle contient est accessible pour être consultée ultérieurement; le terme «communication électronique» désigne toute communication que les parties effectuent au moyen de messages de données; le terme «message de données» désigne l'information créée, envoyée, reçue ou conservée par des moyens électroniques, magnétiques ou optiques ou des moyens analogues, notamment, mais non exclusivement, l'échange de données informatisées (EDI), la messagerie électronique, le télex ou la télécopie.

(5) En outre, une convention d'arbitrage se présente sous forme écrite si elle est consignée dans un échange de conclusions en demande et en réponse dans lequel l'existence d'une telle convention est alléguée par une partie et n'est pas contestée par l'autre.

(6) The reference in a contract to any document containing an arbitration clause constitutes an arbitration agreement in writing, provided that the reference is such as to make that clause part of the contract.

Option II

Article 7. Definition of arbitration agreement

“Arbitration agreement” is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not.

Article 8. Arbitration agreement and substantive claim before court

(1) A court before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party so requests not later than when submitting his first statement on the substance of the dispute, refer the parties to arbitration unless it finds that the agreement is null and void, inoperative or incapable of being performed.

(2) Where an action referred to in paragraph (1) of this article has been brought, arbitral proceedings may nevertheless be commenced or continued, and an award may be made, while the issue is pending before the court.

Article 9. Arbitration agreement and interim measures by court

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

Article 10. Number of arbitrators

(1) The parties are free to determine the number of arbitrators.

(2) Failing such determination, the number of arbitrators shall be three.

Article 11. Appointment of arbitrators

(1) No person shall be precluded by reason of his nationality from acting as an arbitrator, unless otherwise agreed by the parties.

(2) The parties are free to agree on a procedure of appointing the arbitrator or arbitrators, subject to the provisions of paragraphs (4) and (5) of this article.

(3) Failing such agreement,

(a) in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within thirty days of receipt of a request to do so from the other

(6) La référence dans un contrat à tout document contenant une clause compromissoire vaut convention d'arbitrage écrite, à condition que la référence soit telle qu'elle fasse de la clause une partie du contrat.

Option II

Article 7. Définition de la convention d'arbitrage

Une «convention d'arbitrage» est une convention par laquelle les parties décident de soumettre à l'arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel.

Article 8. Convention d'arbitrage et actions intentées quant au fond devant un tribunal

(1) Le tribunal saisi d'un différend sur une question faisant l'objet d'une convention d'arbitrage renverra les parties à l'arbitrage si l'une d'entre elles le demande au plus tard lorsqu'elle soumet ses premières conclusions quant au fond du différend, à moins qu'il ne constate que ladite convention est caduque, inopérante ou non susceptible d'être exécutée.

(2) Lorsque le tribunal est saisi d'une action visée au paragraphe (1) du présent article, la procédure arbitrale peut néanmoins être engagée ou poursuivie et une sentence peut être rendue en attendant que le tribunal ait statué.

Article 9. Convention d'arbitrage et mesures provisoires prises par un tribunal

La demande par une partie à un tribunal, avant ou pendant la procédure arbitrale, de mesures provisoires ou conservatoires et l'octroi de telles mesures par un tribunal ne sont pas incompatibles avec une convention d'arbitrage.

CHAPITRE III. COMPOSITION DU TRIBUNAL ARBITRAL

Article 10. Nombre d'arbitres

(1) Les parties sont libres de convenir du nombre d'arbitres.

(2) Faute d'une telle convention, il est nommé trois arbitres.

Article 11. Nomination de l'arbitre ou des arbitres

(1) Nul ne peut, en raison de sa nationalité, être empêché d'exercer des fonctions d'arbitre, sauf convention contraire des parties.

(2) Les parties sont libres de convenir de la procédure de nomination de l'arbitre ou des arbitres, sans préjudice des dispositions des paragraphes (4) et (5) du présent article.

(3) Faute d'une telle convention :

a) en cas d'arbitrage par trois arbitres, chaque partie nomme un arbitre et les deux arbitres ainsi nommés choisissent le troisième arbitre; si une partie ne nomme pas un arbitre dans un délai de trente jours à compter de la réception d'une demande à cette fin

party, or if the two arbitrators fail to agree on the third arbitrator within thirty days of their appointment, the appointment shall be made, upon request of a party, by the court or other authority specified in article 6;

- (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified in article 6.
- (4) Where, under an appointment procedure agreed upon by the parties,
 - (a) a party fails to act as required under such procedure, or
 - (b) the parties, or two arbitrators, are unable to reach an agreement expected of them under such procedure, or
 - (c) a third party, including an institution, fails to perform any function entrusted to it under such procedure, any party may request the court or other authority specified in article 6 to take the necessary measure, unless the agreement on the appointment procedure provides other means for securing the appointment.
- (5) A decision on a matter entrusted by paragraph (3) or (4) of this article to the court or other authority specified in article 6 shall be subject to no appeal. The court or other authority, in appointing an arbitrator, shall have due regard to any qualifications required of the arbitrator by the agreement of the parties and to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those of the parties.

Article 12. Grounds for challenge

(1) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his impartiality or independence. An arbitrator, from the time of his appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him.

(2) An arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

Article 13. Challenge procedure

(1) The parties are free to agree on a procedure for challenging an arbitrator, subject to the provisions of paragraph (3) of this article.

(2) Failing such agreement, a party who intends to challenge an arbitrator shall, within fifteen days after be-

émanant de l'autre partie, ou si les deux arbitres ne s'accordent pas sur le choix du troisième arbitre dans un délai de trente jours à compter de leur désignation, la nomination est effectuée, sur la demande d'une partie, par le tribunal, ou autre autorité visé à l'article 6;

- b) en cas d'arbitrage par un arbitre unique, si les parties ne peuvent s'accorder sur le choix de l'arbitre, celui-ci est nommé, sur la demande d'une partie, par le tribunal ou autre autorité visé à l'article 6.
- (4) Lorsque, durant une procédure de nomination convenue par les parties :
 - a) une partie n'agit pas conformément à ladite procédure; ou
 - b) les parties, ou deux arbitres, ne peuvent parvenir à un accord conformément à ladite procédure; ou
 - c) un tiers, y compris une institution, ne s'acquitte pas d'une fonction qui lui est conférée dans ladite procédure, l'une ou l'autre partie peut prier le tribunal ou autre autorité visé à l'article 6 de prendre la mesure voulue, à moins que la convention relative à la procédure de nomination ne stipule d'autres moyens d'assurer cette nomination.
- (5) La décision sur une question confiée au tribunal ou autre autorité visé à l'article 6 conformément aux paragraphes (3) ou (4) du présent article n'est pas susceptible de recours. Lorsqu'il nomme un arbitre, le tribunal tient compte de toutes les qualifications requises de l'arbitre par convention des parties et de toutes considérations propres à garantir la nomination d'un arbitre indépendant et impartial et, lorsqu'il nomme un arbitre unique ou un troisième arbitre, il tient également compte du fait qu'il peut être souhaitable de nommer un arbitre d'une nationalité différente de celle des parties.

Article 12. Motifs de récusation

(1) Lorsqu'une personne est pressentie en vue de sa nomination éventuelle en qualité d'arbitre, elle signale toutes circonstances de nature à soulever des doutes légitimes sur son impartialité ou sur son indépendance. À partir de la date de sa nomination et durant toute la procédure arbitrale, l'arbitre signale sans tarder de telles circonstances aux parties, à moins qu'il ne l'ait déjà fait.

(2) Un arbitre ne peut être récusé que s'il existe des circonstances de nature à soulever des doutes légitimes sur son impartialité ou son indépendance, ou si celui-ci ne possède pas les qualifications convenues par les parties. Une partie ne peut récuser l'arbitre qu'elle a nommé ou à la nomination duquel elle a participé que pour une cause dont elle a eu connaissance après cette nomination.

Article 13. Procédure de récusation

(1) Sous réserve des dispositions du paragraphe (3) du présent article, les parties sont libres de convenir de la procédure de récusation de l'arbitre.

(2) Faute d'un tel accord, la partie qui a l'intention de récuser un arbitre expose par écrit les motifs de la récusation.

coming aware of the constitution of the arbitral tribunal or after becoming aware of any circumstance referred to in article 12(2), send a written statement of the reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge.

(3) If a challenge under any procedure agreed upon by the parties or under the procedure of paragraph (2) of this article is not successful, the challenging party may request, within thirty days after having received notice of the decision rejecting the challenge, the court or other authority specified in article 6 to decide on the challenge, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal, including the challenged arbitrator, may continue the arbitral proceedings and make an award.

Article 14. *Failure or impossibility to act*

(1) If an arbitrator becomes *de jure* or *de facto* unable to perform his functions or for other reasons fails to act without undue delay, his mandate terminates if he withdraws from his office or if the parties agree on the termination. Otherwise, if a controversy remains concerning any of these grounds, any party may request the court or other authority specified in article 6 to decide on the termination of the mandate, which decision shall be subject to no appeal.

(2) If, under this article or article 13(2), an arbitrator withdraws from his office or a party agrees to the termination of the mandate of an arbitrator, this does not imply acceptance of the validity of any ground referred to in this article or article 12(2).

Article 15. *Appointment of substitute arbitrator*

Where the mandate of an arbitrator terminates under article 13 or 14 or because of his withdrawal from office for any other reason or because of the revocation of his mandate by agreement of the parties or in any other case of termination of his mandate, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced.

CHAPTER IV.

JURISDICTION OF ARBITRAL TRIBUNAL

Article 16. *Competence of arbitral tribunal to rule on its jurisdiction*

(1) The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitral tribunal that the contract is null and void shall not entail *ipso jure* the invalidity of the arbitration clause.

(2) A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence. A party is not precluded from raising such a plea by the fact that he has appointed, or participated in the appointment of, an arbitrator. A plea that the

tion au tribunal arbitral, dans un délai de quinze jours à compter de la date à laquelle elle a eu connaissance de la constitution du tribunal arbitral ou de la date à laquelle elle a eu connaissance des circonstances visées à l'article 12 (2). Si l'arbitre récusé ne se déporte pas ou que l'autre partie n'accepte pas la récusation, le tribunal arbitral se prononce sur la récusation.

(3) Si la récusation ne peut être obtenue selon la procédure convenue par les parties ou en application du paragraphe (2) du présent article, la partie récusante peut, dans un délai de trente jours après avoir eu communication de la décision rejetant la récusation, prier le tribunal ou autre autorité visé à l'article 6 de prendre sur la récusation une décision qui ne sera pas susceptible de recours; dans l'attente de cette décision, le tribunal arbitral, y compris l'arbitre récusé, peut poursuivre la procédure arbitrale et rendre une sentence.

Article 14. *Carence ou incapacité d'un arbitre*

(1) Lorsqu'un arbitre se trouve dans l'impossibilité de droit ou de fait de remplir sa mission ou, pour d'autres raisons, ne s'acquitte pas de ses fonctions dans un délai raisonnable, son mandat prend fin s'il se déporte ou si les parties conviennent d'y mettre fin. Au cas où il subsiste un désaccord quant à l'un quelconque de ces motifs, l'une ou l'autre partie peut prier le tribunal ou autre autorité visé à l'article 6 de prendre une décision, qui ne sera pas susceptible de recours, sur la cessation du mandat.

(2) Le fait que, en application du présent article ou de l'article 13 (2), un arbitre se déporte ou qu'une partie accepte que le mandat d'un arbitre prenne fin n'implique pas reconnaissance des motifs mentionnés à l'article 12 (2) ou dans le présent article.

Article 15. *Nomination d'un arbitre remplaçant*

Lorsqu'il est mis fin au mandat d'un arbitre conformément à l'article 13 ou 14, ou lorsque celui-ci se déporte pour toute autre raison, ou lorsque son mandat est révoqué par accord des parties ou dans tout autre cas où il est mis fin à son mandat, un arbitre remplaçant est nommé conformément aux règles qui étaient applicables à la nomination de l'arbitre remplacé.

CHAPITRE IV.

COMPÉTENCE DU TRIBUNAL ARBITRAL

Article 16. *Compétence du tribunal arbitral pour statuer sur sa propre compétence*

(1) Le tribunal arbitral peut statuer sur sa propre compétence, y compris sur toute exception relative à l'existence ou à la validité de la convention d'arbitrage. À cette fin, une clause compromissoire faisant partie d'un contrat est considérée comme une convention distincte des autres clauses du contrat. La constatation de nullité du contrat par le tribunal arbitral n'entraîne pas de plein droit la nullité de la clause compromissoire.

(2) L'exception d'incompétence du tribunal arbitral peut être soulevée au plus tard lors du dépôt des conclusions en défense. Le fait pour une partie d'avoir désigné un arbitre ou d'avoir participé à sa désignation ne la prive pas du droit de soulever cette exception. L'exception prise

arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

(3) The arbitral tribunal may rule on a plea referred to in paragraph (2) of this article either as a preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary question that it has jurisdiction, any party may request, within thirty days after having received notice of that ruling, the court specified in article 6 to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue the arbitral proceedings and make an award.

CHAPTER IV A.

INTERIM MEASURES AND PRELIMINARY ORDERS

Section 1. Interim measures

Article 17. Power of arbitral tribunal to order interim measures

(1) Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, grant interim measures.

(2) An interim measure is any temporary measure, whether in the form of an award or in another form, by which, at any time prior to the issuance of the award by which the dispute is finally decided, the arbitral tribunal orders a party to:

- (a) Maintain or restore the status quo pending determination of the dispute;
- (b) Take action that would prevent, or refrain from taking action that is likely to cause, current or imminent harm or prejudice to the arbitral process itself;
- (c) Provide a means of preserving assets out of which a subsequent award may be satisfied; or
- (d) Preserve evidence that may be relevant and material to the resolution of the dispute.

Article 17 A. Conditions for granting interim measures

(1) The party requesting an interim measure under article 17(2)(a), (b) and (c) shall satisfy the arbitral tribunal that:

- (a) Harm not adequately reparable by an award of damages is likely to result if the measure is not ordered, and such harm substantially outweighs the harm that is likely to result to the party against whom the measure is directed if the measure is granted; and

de ce que la question litigieuse excéderait les pouvoirs du tribunal arbitral est soulevée dès que la question alléguée comme excédant ses pouvoirs est soulevée pendant la procédure arbitrale. Le tribunal arbitral peut, dans l'un ou l'autre cas, admettre une exception soulevée après le délai prévu, s'il estime que le retard est dû à une cause valable.

(3) Le tribunal arbitral peut statuer sur l'exception visée au paragraphe (2) du présent article soit en la traitant comme une question préalable, soit dans sa sentence sur le fond. Si le tribunal arbitral détermine, à titre de question préalable, qu'il est compétent, l'une ou l'autre partie peut, dans un délai de trente jours après avoir été avisée de cette décision, demander au tribunal visé à l'article 6 de rendre une décision sur ce point, laquelle ne sera pas susceptible de recours; en attendant qu'il soit statué sur cette demande, le tribunal arbitral est libre de poursuivre la procédure arbitrale et de rendre une sentence.

CHAPITRE IV A.

MESURES PROVISOIRES ET ORDONNANCES PRÉLIMINAIRES

Section 1. Mesures provisoires

Article 17. Pouvoir du tribunal arbitral d'ordonner des mesures provisoires

(1) Sauf convention contraire des parties, le tribunal arbitral peut, à la demande d'une partie, ordonner des mesures provisoires.

(2) Une mesure provisoire est toute mesure temporaire, qu'elle prenne la forme d'une sentence ou une autre forme, par laquelle, à tout moment avant le prononcé de la sentence qui tranchera définitivement le différend, le tribunal arbitral ordonne à une partie :

- a) de préserver ou de rétablir le statu quo en attendant que le différend ait été tranché;
- b) de prendre des mesures de nature à empêcher, ou de s'abstenir de prendre des mesures susceptibles de causer, un préjudice immédiat ou imminent ou une atteinte au processus arbitral lui-même;
- c) de fournir un moyen de sauvegarder des biens qui pourront servir à l'exécution d'une sentence ultérieure; ou
- d) de sauvegarder les éléments de preuve qui peuvent être pertinents et importants pour le règlement du différend.

Article 17 A. Conditions d'octroi des mesures provisoires

(1) La partie demandant une mesure provisoire en vertu des alinéas a), b) et c) du paragraphe (2) de l'article 17 convainc le tribunal arbitral :

- a) qu'un préjudice ne pouvant être réparé de façon adéquate par l'octroi de dommages-intérêts sera probablement causé si la mesure n'est pas ordonnée, et qu'un tel préjudice l'emporte largement sur celui que subira probablement la partie contre laquelle la mesure est dirigée si celle-ci est accordée; et

- (b) There is a reasonable possibility that the requesting party will succeed on the merits of the claim. The determination on this possibility shall not affect the discretion of the arbitral tribunal in making any subsequent determination.

(2) With regard to a request for an interim measure under article 17(2)(d), the requirements in paragraphs (1)(a) and (b) of this article shall apply only to the extent the arbitral tribunal considers appropriate.

Section 2. Preliminary orders

Article 17 B. Applications for preliminary orders and conditions for granting preliminary orders

(1) Unless otherwise agreed by the parties, a party may, without notice to any other party, make a request for an interim measure together with an application for a preliminary order directing a party not to frustrate the purpose of the interim measure requested.

(2) The arbitral tribunal may grant a preliminary order provided it considers that prior disclosure of the request for the interim measure to the party against whom it is directed risks frustrating the purpose of the measure.

(3) The conditions defined under article 17A apply to any preliminary order, provided that the harm to be assessed under article 17A(1)(a), is the harm likely to result from the order being granted or not.

Article 17 C. Specific regime for preliminary orders

(1) Immediately after the arbitral tribunal has made a determination in respect of an application for a preliminary order, the arbitral tribunal shall give notice to all parties of the request for the interim measure, the application for the preliminary order, the preliminary order, if any, and all other communications, including by indicating the content of any oral communication, between any party and the arbitral tribunal in relation thereto.

(2) At the same time, the arbitral tribunal shall give an opportunity to any party against whom a preliminary order is directed to present its case at the earliest practicable time.

(3) The arbitral tribunal shall decide promptly on any objection to the preliminary order.

(4) A preliminary order shall expire after twenty days from the date on which it was issued by the arbitral tribunal. However, the arbitral tribunal may issue an interim measure adopting or modifying the preliminary order, after the party against whom the preliminary order is directed has been given notice and an opportunity to present its case.

(5) A preliminary order shall be binding on the parties but shall not be subject to enforcement by a court. Such a preliminary order does not constitute an award.

- b) qu'elle a des chances raisonnables d'obtenir gain de cause sur le fond du différend. La décision à cet égard ne porte pas atteinte à la liberté d'appréciation du tribunal arbitral lorsqu'il prendra une décision ultérieure quelconque.

(2) En ce qui concerne une demande de mesure provisoire en vertu de l'alinéa d) du paragraphe (2) de l'article 17, les conditions énoncées aux alinéas a) et b) du paragraphe (1) du présent article ne s'appliquent que dans la mesure jugée appropriée par le tribunal arbitral.

Section 2. Ordonnances préliminaires

Article 17 B. Requêtes aux fins d'ordonnances préliminaires et conditions d'octroi des ordonnances préliminaires

(1) Sauf convention contraire des parties, une partie peut présenter, sans le notifier à aucune autre partie, une demande de mesure provisoire ainsi qu'une requête aux fins d'ordonnance préliminaire enjoignant à une partie de ne pas compromettre la mesure provisoire demandée.

(2) Le tribunal arbitral peut prononcer une ordonnance préliminaire à condition qu'il considère que la communication préalable de la demande de mesure provisoire à la partie contre laquelle elle est dirigée risque de compromettre cette mesure.

(3) Les conditions définies à l'article 17 A s'appliquent à toute ordonnance préliminaire, pourvu que le préjudice à évaluer en vertu de l'alinéa a) du paragraphe (1) de l'article 17 A soit le préjudice qui sera probablement causé selon que l'ordonnance est prononcée ou non.

Article 17 C. Régime spécifique applicable aux ordonnances préliminaires

(1) Immédiatement après s'être prononcé sur une requête aux fins d'ordonnance préliminaire, le tribunal arbitral notifie à toutes les parties la demande de mesure provisoire, la requête aux fins d'ordonnance préliminaire, l'ordonnance préliminaire éventuellement prononcée et toutes autres communications y afférentes, entre une partie quelconque et le tribunal arbitral, y compris en indiquant le contenu de toute communication orale.

(2) Concomitamment, le tribunal arbitral donne à toute partie contre laquelle une ordonnance préliminaire est dirigée la possibilité de faire valoir ses droits dès que possible.

(3) Le tribunal arbitral se prononce rapidement sur toute contestation de l'ordonnance préliminaire.

(4) Une ordonnance préliminaire expire après vingt jours à compter de la date à laquelle elle a été prononcée par le tribunal arbitral. Toutefois, ce dernier peut prononcer une mesure provisoire qui adopte ou modifie l'ordonnance préliminaire, après que la partie contre laquelle cette ordonnance est dirigée a été avisée et que la possibilité lui a été donnée de faire valoir ses droits.

(5) Une ordonnance préliminaire s'impose aux parties, mais n'est pas susceptible d'exécution par un tribunal. Cette ordonnance préliminaire ne constitue pas une sentence.

Section 3. Provisions applicable to interim measures and preliminary orders*Article 17 D. Modification, suspension, termination*

The arbitral tribunal may modify, suspend or terminate an interim measure or a preliminary order it has granted, upon application of any party or, in exceptional circumstances and upon prior notice to the parties, on the arbitral tribunal's own initiative.

Article 17 E. Provision of security

(1) The arbitral tribunal may require the party requesting an interim measure to provide appropriate security in connection with the measure.

(2) The arbitral tribunal shall require the party applying for a preliminary order to provide security in connection with the order unless the arbitral tribunal considers it inappropriate or unnecessary to do so.

Article 17 F. Disclosure

(1) The arbitral tribunal may require any party promptly to disclose any material change in the circumstances on the basis of which the measure was requested or granted.

(2) The party applying for a preliminary order shall disclose to the arbitral tribunal all circumstances that are likely to be relevant to the arbitral tribunal's determination whether to grant or maintain the order, and such obligation shall continue until the party against whom the order has been requested has had an opportunity to present its case. Thereafter, paragraph (1) of this article shall apply.

Article 17 G. Costs and damages

The party requesting an interim measure or applying for a preliminary order shall be liable for any costs and damages caused by the measure or the order to any party if the arbitral tribunal later determines that, in the circumstances, the measure or the order should not have been granted. The arbitral tribunal may award such costs and damages at any point during the proceedings.

Section 4. Recognition and enforcement of interim measures*Article 17 H. Recognition and enforcement*

(1) An interim measure issued by an arbitral tribunal shall be recognized as binding and, unless otherwise provided by the arbitral tribunal, enforced upon application to the competent court, irrespective of the country in which it was issued, subject to the provisions of article 17 I.

(2) The party who is seeking or has obtained recognition or enforcement of an interim measure shall promptly inform the court of any termination, suspension or modification of that interim measure.

(3) The court of the State where recognition or en-

Section 3. Dispositions applicables aux mesures provisoires et aux ordonnances préliminaires*Article 17 D. Modification, suspension, rétractation*

Le tribunal arbitral peut modifier, suspendre ou rétracter une mesure provisoire ou une ordonnance préliminaire qu'il a prononcée, à la demande de l'une des parties ou, dans des circonstances exceptionnelles et à condition de le notifier préalablement aux parties, de sa propre initiative.

Article 17 E. Constitution d'une garantie

(1) Le tribunal arbitral peut exiger que la partie qui demande une mesure provisoire constitue une garantie appropriée en rapport avec la mesure.

(2) Le tribunal arbitral exige que la partie qui requiert une ordonnance préliminaire constitue une garantie en rapport avec l'ordonnance, sauf s'il le juge inapproprié ou inutile.

Article 17 F. Information

(1) Le tribunal arbitral peut exiger d'une partie quelconque qu'elle communique sans tarder tout changement important des circonstances sur la base desquelles la mesure a été demandée ou accordée.

(2) La partie qui requiert une ordonnance préliminaire informe le tribunal arbitral de toutes les circonstances que ce dernier est susceptible de juger pertinentes pour sa décision de prononcer ou de maintenir l'ordonnance, et cette obligation s'applique jusqu'à ce que la partie contre laquelle l'ordonnance a été requise ait eu la possibilité de faire valoir ses droits. Par la suite, le paragraphe (1) du présent article s'applique.

Article 17 G. Frais et dommages

La partie qui demande une mesure provisoire ou qui requiert une ordonnance préliminaire est responsable de tous les frais et de tous les dommages causés par la mesure ou l'ordonnance à une partie quelconque, si le tribunal arbitral décide par la suite qu'en l'espèce la mesure ou l'ordonnance n'aurait pas dû être prononcée. Le tribunal arbitral peut accorder réparation pour ces frais et dommages à tout moment pendant la procédure.

Section 4. Reconnaissance et exécution des mesures provisoires*Article 17 H. Reconnaissance et exécution*

(1) Une mesure provisoire prononcée par un tribunal arbitral est reconnue comme ayant force obligatoire et, sauf indication contraire du tribunal arbitral, est exécutée sur demande adressée au tribunal compétent, quel que soit le pays où elle a été prononcée, sous réserve des dispositions de l'article 17 I.

(2) La partie qui demande ou a obtenu la reconnaissance ou l'exécution d'une mesure provisoire informe sans retard le tribunal de toute rétractation, suspension ou modification de cette mesure.

(3) Le tribunal de l'État où est demandée la reconnais-

forcement is sought may, if it considers it proper, order the requesting party to provide appropriate security if the arbitral tribunal has not already made a determination with respect to security or where such a decision is necessary to protect the rights of third parties.

Article 17 I. Grounds for refusing recognition or enforcement

(1) Recognition or enforcement of an interim measure may be refused only:

(a) At the request of the party against whom it is invoked if the court is satisfied that:

- (i) Such refusal is warranted on the grounds set forth in article 36(1)(a)(i), (ii), (iii) or (iv); or
- (ii) The arbitral tribunal's decision with respect to the provision of security in connection with the interim measure issued by the arbitral tribunal has not been complied with; or
- (iii) The interim measure has been terminated or suspended by the arbitral tribunal or, where so empowered, by the court of the State in which the arbitration takes place or under the law of which that interim measure was granted; or

(b) If the court finds that:

- (i) The interim measure is incompatible with the powers conferred upon the court unless the court decides to reformulate the interim measure to the extent necessary to adapt it to its own powers and procedures for the purposes of enforcing that interim measure and without modifying its substance; or
- (ii) Any of the grounds set forth in article 36(1)(b)(i) or (ii), apply to the recognition and enforcement of the interim measure.

(2) Any determination made by the court on any ground in paragraph (1) of this article shall be effective only for the purposes of the application to recognize and enforce the interim measure. The court where recognition or enforcement is sought shall not, in making that determination, undertake a review of the substance of the interim measure.

Section 5. Court-ordered interim measures

Article 17 J. Court-ordered interim measures

A court shall have the same power of issuing an interim measure in relation to arbitration proceedings, irrespective of whether their place is in the territory of this State, as it has in relation to proceedings in courts. The court shall exercise such power in accordance with its own procedures in consideration of the specific features of international arbitration.

sance ou l'exécution peut, s'il le juge bon, ordonner au demandeur de constituer une garantie appropriée si le tribunal arbitral ne s'est pas déjà prononcé concernant la garantie ou lorsqu'une telle décision est nécessaire pour protéger les droits de tiers.

Article 17 I. Motifs du refus de la reconnaissance ou de l'exécution

(1) La reconnaissance ou l'exécution d'une mesure provisoire ne peut être refusée que :

a) à la demande de la partie contre laquelle cette mesure est invoquée, si le tribunal a la conviction :

- (i) que ce refus est justifié par les motifs exposés à l'article 36 (1) a) (i), (ii), (iii) ou (iv); ou
- (ii) que la décision du tribunal arbitral concernant la constitution d'une garantie en rapport avec la mesure provisoire qu'il a prononcée n'a pas été respectée; ou
- (iii) que la mesure provisoire a été rétractée ou suspendue par le tribunal arbitral ou, lorsqu'il y est habilité, annulée ou suspendue par le tribunal de l'État dans lequel a lieu l'arbitrage ou conformément à la loi duquel cette mesure a été accordée; ou

b) si le tribunal constate :

- (i) que la mesure provisoire est incompatible avec les pouvoirs qui lui sont conférés, à moins qu'il ne décide de reformuler cette mesure autant qu'il est nécessaire pour l'adapter à ses propres pouvoirs et procédures aux fins de la faire exécuter sans en modifier le fond; ou
- (ii) que l'un quelconque des motifs exposés à l'article 36 (1) b) (i) ou (ii) s'applique à la reconnaissance et à l'exécution de la mesure provisoire.

(2) Toute décision prise par le tribunal pour l'un quelconque des motifs exposés au paragraphe (1) du présent article n'a d'effet qu'aux fins de la demande de reconnaissance et d'exécution de la mesure provisoire. Le tribunal auprès duquel la reconnaissance ou l'exécution est demandée n'examine pas, lorsqu'il prend sa décision, la mesure provisoire quant au fond.

Section 5. Mesures provisoires ordonnées par un tribunal

Article 17 J. Mesures provisoires ordonnées par un tribunal

Un tribunal dispose, pour prononcer une mesure provisoire en relation avec une procédure d'arbitrage, qu'elle ait ou non son lieu sur le territoire du présent État, du même pouvoir que celui dont il dispose en relation avec une procédure judiciaire. Il exerce ce pouvoir conformément à ses propres procédures en tenant compte des particularités d'un arbitrage international.

CHAPTER V. CONDUCT OF ARBITRAL PROCEEDINGS

Article 18. *Equal treatment of parties*

The parties shall be treated with equality and each party shall be given a full opportunity of presenting his case.

Article 19. *Determination of rules of procedure*

(1) Subject to the provisions of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

Article 20. *Place of arbitration*

(1) The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties.

(2) Notwithstanding the provisions of paragraph (1) of this article, the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents.

Article 21. *Commencement of arbitral proceedings*

Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

Article 22. *Language*

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

Article 23. *Statements of claim and defence*

(1) Within the period of time agreed by the parties or determined by the arbitral tribunal, the claimant shall state the facts supporting his claim, the points at issue and the relief or remedy sought, and the respondent shall state his defence in respect of these particulars, unless the parties

CHAPITRE V. CONDUITE DE LA PROCÉDURE ARBITRALE

Article 18. *Égalité de traitement des parties*

Les parties doivent être traitées sur un pied d'égalité et chaque partie doit avoir toute possibilité de faire valoir ses droits.

Article 19. *Détermination des règles de procédure*

(1) Sous réserve des dispositions de la présente loi, les parties sont libres de convenir de la procédure à suivre par le tribunal arbitral.

(2) Faute d'une telle convention, le tribunal arbitral peut, sous réserve des dispositions de la présente loi, procéder à l'arbitrage comme il le juge approprié. Les pouvoirs conférés au tribunal arbitral comprennent celui de juger de la recevabilité, de la pertinence et de l'importance de toute preuve produite.

Article 20. *Lieu de l'arbitrage*

(1) Les parties sont libres de décider du lieu de l'arbitrage. Faute d'une telle décision, ce lieu est fixé par le tribunal arbitral, compte tenu des circonstances de l'affaire, y compris les convenances des parties.

(2) Nonobstant les dispositions du paragraphe (1) du présent article, le tribunal arbitral peut, sauf convention contraire des parties, se réunir en tout lieu qu'il jugera approprié pour l'organisation de consultations entre ses membres, l'audition des témoins, des experts ou des parties, ou pour l'inspection de marchandises, d'autres biens ou de pièces.

Article 21. *Début de la procédure arbitrale*

Sauf convention contraire des parties, la procédure arbitrale concernant un différend déterminé débute à la date à laquelle la demande de soumission de ce différend à l'arbitrage est reçue par le défendeur.

Article 22. *Langue*

(1) Les parties sont libres de convenir de la langue ou des langues à utiliser dans la procédure arbitrale. Faute d'un tel accord, le tribunal arbitral décide de la langue ou des langues à utiliser dans la procédure. Cet accord ou cette décision, à moins qu'il n'en soit convenu ou décidé autrement, s'appliquent à toute déclaration écrite d'une partie, à toute procédure orale et à toute sentence, décision ou autre communication du tribunal arbitral.

(2) Le tribunal arbitral peut ordonner que toute pièce soit accompagnée d'une traduction dans la langue ou les langues convenues par les parties ou choisies par le tribunal arbitral.

Article 23. *Conclusions en demande et en défense*

(1) Dans le délai convenu par les parties ou fixé par le tribunal arbitral, le demandeur énonce les faits au soutien de sa demande, les points litigieux et l'objet de la demande et le défendeur énonce ses défenses à propos de ces questions, à moins que les parties ne soient autrement

have otherwise agreed as to the required elements of such statements. The parties may submit with their statements all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(2) Unless otherwise agreed by the parties, either party may amend or supplement his claim or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay in making it.

Article 24. Hearings and written proceedings

(1) Subject to any contrary agreement by the parties, the arbitral tribunal shall decide whether to hold oral hearings for the presentation of evidence or for oral argument, or whether the proceedings shall be conducted on the basis of documents and other materials. However, unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such hearings at an appropriate stage of the proceedings, if so requested by a party.

(2) The parties shall be given sufficient advance notice of any hearing and of any meeting of the arbitral tribunal for the purposes of inspection of goods, other property or documents.

(3) All statements, documents or other information supplied to the arbitral tribunal by one party shall be communicated to the other party. Also any expert report or evidentiary document on which the arbitral tribunal may rely in making its decision shall be communicated to the parties.

Article 25. Default of a party

Unless otherwise agreed by the parties, if, without showing sufficient cause,

- (a) the claimant fails to communicate his statement of claim in accordance with article 23(1), the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with article 23(1), the arbitral tribunal shall continue the proceedings without treating such failure in itself as an admission of the claimant's allegations;
- (c) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

Article 26. Expert appointed by arbitral tribunal

(1) Unless otherwise agreed by the parties, the arbitral tribunal,

- (a) may appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal;

convenues des indications devant figurer dans les conclusions. Les parties peuvent accompagner leurs conclusions de toutes pièces qu'elles jugeront pertinentes ou y mentionner les pièces ou autres moyens de preuve qu'elles produiront.

(2) Sauf convention contraire des parties, l'une ou l'autre partie peut modifier ou compléter sa demande ou ses défenses, au cours de la procédure arbitrale, à moins que le tribunal arbitral considère ne pas devoir autoriser un tel amendement en raison du retard avec lequel il est formulé.

Article 24. Procédure orale et procédure écrite

(1) Sauf convention contraire des parties, le tribunal arbitral décide si la procédure doit comporter des phases orales pour la production de preuves ou pour l'exposé oral des arguments, ou si elle se déroulera sur pièces. Cependant, à moins que les parties ne soient convenues qu'il n'y aura pas de procédure orale, le tribunal arbitral organise une telle procédure à un stade approprié de la procédure arbitrale, si une partie lui en fait la demande.

(2) Les parties recevront suffisamment longtemps à l'avance notification de toutes audiences et de toutes réunions du tribunal arbitral tenues aux fins de l'inspection de marchandises, d'autres biens ou de pièces.

(3) Toutes les conclusions, pièces ou informations que l'une des parties fournit au tribunal arbitral doivent être communiquées à l'autre partie. Tout rapport d'expert ou document présenté en tant que preuve sur lequel le tribunal pourrait s'appuyer pour statuer doit également être communiqué aux parties.

Article 25. Défaut d'une partie

Sauf convention contraire des parties, si, sans invoquer d'empêchement légitime :

- a) le demandeur ne présente pas sa demande conformément à l'article 23 (1), le tribunal arbitral met fin à la procédure arbitrale;
- b) le défendeur ne présente pas ses défenses conformément à l'article 23 (1), le tribunal arbitral poursuit la procédure arbitrale sans considérer ce défaut en soi comme une acceptation des allégations du demandeur;
- c) l'une des parties omet de comparaître à l'audience ou de produire des documents, le tribunal arbitral peut poursuivre la procédure et statuer sur la base des éléments de preuve dont il dispose.

Article 26. Expert nommé par le tribunal arbitral

(1) Sauf convention contraire des parties, le tribunal arbitral :

- a) peut nommer un ou plusieurs experts chargés de lui faire rapport sur les points précis qu'il déterminera;

- (b) may require a party to give the expert any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(2) Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal considers it necessary, the expert shall, after delivery of his written or oral report, participate in a hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.

Article 27. Court assistance in taking evidence

The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this State assistance in taking evidence. The court may execute the request within its competence and according to its rules on taking evidence.

CHAPTER VI.
MAKING OF AWARD AND TERMINATION
OF PROCEEDINGS

Article 28. Rules applicable to substance of dispute

(1) The arbitral tribunal shall decide the dispute in accordance with such rules of law as are chosen by the parties as applicable to the substance of the dispute. Any designation of the law or legal system of a given State shall be construed, unless otherwise expressed, as directly referring to the substantive law of that State and not to its conflict of laws rules.

(2) Failing any designation by the parties, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

(3) The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly authorized it to do so.

(4) In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract and shall take into account the usages of the trade applicable to the transaction.

Article 29. Decision-making by panel of arbitrators

In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by a majority of all its members. However, questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or all members of the arbitral tribunal.

Article 30. Settlement

(1) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

- b) peut demander à une partie de fournir à l'expert tous renseignements appropriés ou de lui soumettre ou de lui rendre accessibles, aux fins d'examen, toutes pièces ou toutes marchandises ou autres biens pertinents.

(2) Sauf convention contraire des parties, si une partie en fait la demande ou si le tribunal arbitral le juge nécessaire, l'expert, après présentation de son rapport écrit ou oral, participe à une audience à laquelle les parties peuvent l'interroger et faire venir en qualité de témoins des experts qui déposent sur les questions litigieuses.

Article 27. Assistance des tribunaux pour l'obtention de preuves

Le tribunal arbitral, ou une partie avec l'approbation du tribunal arbitral, peut demander à un tribunal compétent du présent État une assistance pour l'obtention de preuves. Le tribunal peut satisfaire à cette demande, dans les limites de sa compétence et conformément aux règles relatives à l'obtention de preuves.

CHAPITRE VI.
PRONONCÉ DE LA SENTENCE ET CLÔTURE
DE LA PROCÉDURE

Article 28. Règles applicables au fond du différend

(1) Le tribunal arbitral tranche le différend conformément aux règles de droit choisies par les parties comme étant applicables au fond du différend. Toute désignation de la loi ou du système juridique d'un État donné est considérée, sauf indication contraire expresse, comme désignant directement les règles juridiques de fond de cet État et non ses règles de conflit de lois.

(2) À défaut d'une telle désignation par les parties, le tribunal arbitral applique la loi désignée par la règle de conflit de lois qu'il juge applicable en l'espèce.

(3) Le tribunal arbitral statue *ex aequo et bono* ou en qualité d'*amiable compositeur* uniquement si les parties l'y ont expressément autorisé.

(4) Dans tous les cas, le tribunal arbitral décide conformément aux stipulations du contrat et tient compte des usages du commerce applicables à la transaction.

Article 29. Prise de décisions par plusieurs arbitres

Dans une procédure arbitrale comportant plus d'un arbitre, toute décision du tribunal arbitral est, sauf convention contraire des parties, prise à la majorité de tous ses membres. Toutefois, les questions de procédure peuvent être tranchées par un arbitre président, si ce dernier y est autorisé par les parties ou par tous les membres du tribunal arbitral.

Article 30. Règlement par accord des parties

(1) Si, durant la procédure arbitrale, les parties s'entendent pour régler le différend, le tribunal arbitral met fin à la procédure arbitrale et, si les parties lui en font la demande et s'il n'y voit pas d'objection, constate le fait par une sentence arbitrale rendue par accord des parties.

(2) An award on agreed terms shall be made in accordance with the provisions of article 31 and shall state that it is an award. Such an award has the same status and effect as any other award on the merits of the case.

Article 31. Form and contents of award

(1) The award shall be made in writing and shall be signed by the arbitrator or arbitrators. In arbitral proceedings with more than one arbitrator, the signatures of the majority of all members of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.

(2) The award shall state the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or the award is an award on agreed terms under article 30.

(3) The award shall state its date and the place of arbitration as determined in accordance with article 20(1). The award shall be deemed to have been made at that place.

(4) After the award is made, a copy signed by the arbitrators in accordance with paragraph (1) of this article shall be delivered to each party.

Article 32. Termination of proceedings

(1) The arbitral proceedings are terminated by the final award or by an order of the arbitral tribunal in accordance with paragraph (2) of this article.

(2) The arbitral tribunal shall issue an order for the termination of the arbitral proceedings when:

- (a) the claimant withdraws his claim, unless the respondent objects thereto and the arbitral tribunal recognizes a legitimate interest on his part in obtaining a final settlement of the dispute;
- (b) the parties agree on the termination of the proceedings;
- (c) the arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.

(3) The mandate of the arbitral tribunal terminates with the termination of the arbitral proceedings, subject to the provisions of articles 33 and 34(4).

Article 33. Correction and interpretation of award; additional award

(1) Within thirty days of receipt of the award, unless another period of time has been agreed upon by the parties:

- (a) a party, with notice to the other party, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature;
- (b) if so agreed by the parties, a party, with notice to the other party, may request the arbitral tribunal to

(2) La sentence d'accord des parties est rendue conformément aux dispositions de l'article 31 et mentionne le fait qu'il s'agit d'une sentence. Une telle sentence a le même statut et le même effet que toute autre sentence prononcée sur le fond de l'affaire.

Article 31. Forme et contenu de la sentence

(1) La sentence est rendue par écrit et signée par l'arbitre ou les arbitres. Dans la procédure arbitrale comprenant plusieurs arbitres, les signatures de la majorité des membres du tribunal arbitral suffisent, pourvu que soit mentionnée la raison de l'omission des autres.

(2) La sentence est motivée, sauf si les parties sont convenues que tel ne doit pas être le cas ou s'il s'agit d'une sentence rendue par accord des parties conformément à l'article 30.

(3) La sentence mentionne la date à laquelle elle est rendue, ainsi que le lieu de l'arbitrage déterminé conformément à l'article 20 (1). La sentence est réputée avoir été rendue audit lieu.

(4) Après le prononcé de la sentence, une copie signée par l'arbitre ou les arbitres conformément au paragraphe (1) du présent article en est remise à chacune des parties.

Article 32. Clôture de la procédure

(1) La procédure arbitrale est close par le prononcé de la sentence définitive ou par une ordonnance de clôture rendue par le tribunal arbitral conformément au paragraphe (2) du présent article.

(2) Le tribunal arbitral ordonne la clôture de la procédure arbitrale lorsque :

- a) le demandeur retire sa demande, à moins que le défendeur y fasse objection et que le tribunal arbitral reconnaisse qu'il a légitimement intérêt à ce que le différend soit définitivement réglé;
- b) les parties conviennent de clore la procédure;
- c) le tribunal arbitral constate que la poursuite de la procédure est, pour toute autre raison, devenue superflue ou impossible.

(3) Le mandat du tribunal arbitral prend fin avec la clôture de la procédure arbitrale, sous réserve des dispositions de l'article 33 et du paragraphe (4) de l'article 34.

Article 33. Rectification et interprétation de la sentence et sentence additionnelle

(1) Dans les trente jours qui suivent la réception de la sentence, à moins que les parties ne soient convenues d'un autre délai :

- a) une des parties peut, moyennant notification à l'autre, demander au tribunal arbitral de rectifier dans le texte de la sentence toute erreur de calcul, toute erreur matérielle ou typographique ou toute erreur de même nature;
- b) si les parties en sont convenues, une partie peut, moyennant notification à l'autre, demander au tri-

give an interpretation of a specific point or part of the award.

If the arbitral tribunal considers the request to be justified, it shall make the correction or give the interpretation within thirty days of receipt of the request. The interpretation shall form part of the award.

(2) The arbitral tribunal may correct any error of the type referred to in paragraph (1)(a) of this article on its own initiative within thirty days of the date of the award.

(3) Unless otherwise agreed by the parties, a party, with notice to the other party, may request, within thirty days of receipt of the award, the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. If the arbitral tribunal considers the request to be justified, it shall make the additional award within sixty days.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation or an additional award under paragraph (1) or (3) of this article.

(5) The provisions of article 31 shall apply to a correction or interpretation of the award or to an additional award.

CHAPTER VII. RECOURSE AGAINST AWARD

Article 34. Application for setting aside as exclusive recourse against arbitral award

(1) Recourse to a court against an arbitral award may be made only by an application for setting aside in accordance with paragraphs (2) and (3) of this article.

(2) An arbitral award may be set aside by the court specified in article 6 only if:

- (a) the party making the application furnishes proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of this State; or
 - (ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration

bunal arbitral de donner une interprétation d'un point ou passage précis de la sentence.

Si le tribunal arbitral considère que la demande est justifiée, il fait la rectification ou donne l'interprétation dans les trente jours qui suivent la réception de la demande. L'interprétation fait partie intégrante de la sentence.

(2) Le tribunal arbitral peut, de son propre chef, rectifier toute erreur du type visé à l'alinéa a) du paragraphe (1) du présent article dans les trente jours qui suivent la date de la sentence.

(3) Sauf convention contraire des parties, l'une des parties peut, moyennant notification à l'autre, demander au tribunal arbitral, dans les trente jours qui suivent la réception de la sentence, de rendre une sentence additionnelle sur des chefs de demande exposés au cours de la procédure arbitrale mais omis dans la sentence. S'il juge la demande justifiée, le tribunal arbitral complète sa sentence dans les soixante jours.

(4) Le tribunal arbitral peut prolonger, si besoin est, le délai dont il dispose pour rectifier, interpréter ou compléter la sentence en vertu du paragraphe (1) ou (3) du présent article.

(5) Les dispositions de l'article 31 s'appliquent à la rectification ou l'interprétation de la sentence ou à la sentence additionnelle.

CHAPITRE VII. RECOURS CONTRE LA SENTENCE

Article 34. La demande d'annulation comme recours exclusif contre la sentence arbitrale

(1) Le recours formé devant un tribunal contre une sentence arbitrale ne peut prendre la forme que d'une demande d'annulation conformément aux paragraphes (2) et (3) du présent article.

(2) La sentence arbitrale ne peut être annulée par le tribunal visé à l'article 6 que si :

- a) la partie en faisant la demande apporte la preuve :
 - (i) qu'une partie à la convention d'arbitrage visée à l'article 7 était frappée d'une incapacité; ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du présent État; ou
 - (ii) qu'elle n'a pas été dûment informée de la nomination d'un arbitre ou de la procédure arbitrale, ou qu'il lui a été impossible pour une autre raison de faire valoir ses droits; ou
 - (iii) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire, étant entendu toutefois que, si les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des

may be set aside; or

- (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Law from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Law; or

(b) the court finds that:

- (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
- (ii) the award is in conflict with the public policy of this State.

(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the award or, if a request had been made under article 33, from the date on which that request had been disposed of by the arbitral tribunal.

(4) The court, when asked to set aside an award, may, where appropriate and so requested by a party, suspend the setting aside proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

CHAPTER VIII.

RECOGNITION AND ENFORCEMENT OF AWARDS

Article 35. Recognition and enforcement

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the original award or a copy thereof. If the award is not made in an official language of this State, the court may request the party to supply a translation thereof into such language.

Article 36. Grounds for refusing recognition or enforcement

(1) Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only:

- (a) at the request of the party against whom it is invoked, if that party furnishes to the competent court where recognition or enforcement is sought proof that:
 - (i) a party to the arbitration agreement referred to

questions non soumises à l'arbitrage, seule la partie de la sentence contenant des décisions sur les questions non soumises à l'arbitrage pourra être annulée; ou

- (iv) que la constitution du tribunal arbitral, ou la procédure arbitrale, n'a pas été conforme à la convention des parties, à condition que cette convention ne soit pas contraire à une disposition de la présente loi à laquelle les parties ne peuvent déroger, ou, à défaut d'une telle convention, qu'elle n'a pas été conforme à la présente loi; ou

b) le tribunal constate :

- (i) que l'objet du différend n'est pas susceptible d'être réglé par arbitrage conformément à la loi du présent État; ou
- (ii) que la sentence est contraire à l'ordre public du présent État.

(3) Une demande d'annulation ne peut être présentée après l'expiration d'un délai de trois mois à compter de la date à laquelle la partie présentant cette demande a reçu communication de la sentence ou, si une demande a été faite en vertu de l'article 33, à compter de la date à laquelle le tribunal arbitral a pris une décision sur cette demande.

(4) Lorsqu'il est prié d'annuler une sentence, le tribunal peut, le cas échéant et à la demande d'une partie, suspendre la procédure d'annulation pendant une période dont il fixe la durée afin de donner au tribunal arbitral la possibilité de reprendre la procédure arbitrale ou de prendre toute autre mesure que ce dernier juge susceptible d'éliminer les motifs d'annulation.

CHAPITRE VIII.

RECONNAISSANCE ET EXÉCUTION DES SENTENCES

Article 35. Reconnaissance et exécution

(1) La sentence arbitrale, quel que soit le pays où elle a été rendue, est reconnue comme ayant force obligatoire et, sur requête adressée par écrit au tribunal compétent, est exécutée sous réserve des dispositions du présent article et de l'article 36.

(2) La partie qui invoque la sentence ou qui en demande l'exécution doit en fournir l'original ou une copie. Si ladite sentence n'est pas rédigée dans une langue officielle du présent État, le tribunal peut demander à la partie d'en produire une traduction dans cette langue.

Article 36. Motifs du refus de la reconnaissance ou de l'exécution

(1) La reconnaissance ou l'exécution d'une sentence arbitrale, quel que soit le pays où elle a été rendue, ne peut être refusée que :

- a) sur la demande de la partie contre laquelle elle est invoquée, si ladite partie présente au tribunal compétent auquel est demandée la reconnaissance ou l'exécution la preuve :
 - (i) qu'une partie à la convention d'arbitrage visée

in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

- (ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
- (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
- (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
- (v) the award has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, that award was made; or

(b) if the court finds that:

- (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
- (ii) the recognition or enforcement of the award would be contrary to the public policy of this State.

(2) If an application for setting aside or suspension of an award has been made to a court referred to in paragraph (1)(a)(v) of this article, the court where recognition or enforcement is sought may, if it considers it proper, adjourn its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the other party to provide appropriate security.

à l'article 7 était frappée d'une incapacité; ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du pays où la sentence a été rendue; ou

- (ii) que la partie contre laquelle la sentence est invoquée n'a pas été dûment informée de la désignation d'un arbitre ou de la procédure arbitrale, ou qu'il lui a été impossible pour une autre raison de faire valoir ses droits; ou
- (iii) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire, étant entendu toutefois que, si les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, seule la partie de la sentence contenant des décisions sur les questions soumises à l'arbitrage pourra être reconnue et exécutée; ou
- (iv) que la constitution du tribunal arbitral, ou la procédure arbitrale, n'a pas été conforme à la convention des parties ou, à défaut d'une telle convention, à la loi du pays où l'arbitrage a eu lieu; ou
- (v) que la sentence n'est pas encore devenue obligatoire pour les parties, ou a été annulée ou suspendue par un tribunal du pays dans lequel, ou en vertu de la loi duquel elle a été rendue; ou

b) si le tribunal constate que :

- (i) l'objet du différend n'est pas susceptible d'être réglé par arbitrage conformément à la loi du présent État; ou que
- (ii) la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public du présent État.

(2) Si une demande d'annulation ou de suspension d'une sentence a été présentée à un tribunal visé au sous-alinéa (1) a) (v) du présent article, le tribunal auquel est demandée la reconnaissance ou l'exécution peut, s'il le juge approprié, surseoir à statuer et peut aussi, à la requête de la partie demandant la reconnaissance ou l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables.

**SCHEDULE 6
 INTERNATIONAL ELECTRONIC
 COMMUNICATIONS CONVENTION ACT, 2016**

CONTENTS

INTERPRETATION

1. Definition
2. Aid to interpretation

THE CONVENTION

3. Application of Convention
4. Crown bound

COMMENCEMENT AND SHORT TITLE

5. Commencement
6. Short title
- Schedule 1 United Nations Convention on the Use of
Electronic Communications in International
Contracts

INTERPRETATION

Definition

1. In this Act,

“declaration” means a declaration made by Canada under the Convention with respect to Ontario.

Aid to interpretation

2. For the purpose of interpreting the Convention, recourse may be had to the Explanatory Note on the United Nations Convention on the Use of Electronic Communications in International Contracts published by the United Nations Commission on International Commercial Law in January 2007.

THE CONVENTION

Application of Convention

3. Subject to any declaration that is in force, the United Nations Convention on the Use of Electronic Communications in International Contracts set out in Schedule 1 has force of law in Ontario on and after the day it enters into force in accordance with Articles 18 and 23 of the Convention.

Crown bound

4. This Act binds the Crown.

COMMENCEMENT AND SHORT TITLE

Commencement

5. The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Short title

6. The short title of the Act set out in this Schedule is the *International Electronic Communications Convention Act, 2016*.

**ANNEXE 6
 LOI DE 2016 SUR LA CONVENTION SUR LES
 COMMUNICATIONS ÉLECTRONIQUES
 INTERNATIONALES**

SOMMAIRE

INTERPRÉTATION

1. Définition
2. Guide d'interprétation

LA CONVENTION

3. Application de la Convention
4. Couronne liée

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

5. Entrée en vigueur
6. Titre abrégé
- Annexe 1 Convention des Nations Unies sur l'utilisation de
communications électroniques dans les contrats
internationaux

INTERPRÉTATION

Définition

1. La définition qui suit s'applique à la présente loi.

«déclaration» Déclaration faite par le Canada en vertu de la Convention relativement à l'Ontario.

Guide d'interprétation

2. Afin d'interpréter la Convention, on peut avoir recours à la Note explicative de la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux publiée en janvier 2007 par la Commission des Nations Unies pour le droit commercial international.

LA CONVENTION

Application de la Convention

3. Sous réserve de toute déclaration en vigueur, la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux dont le texte est reproduit à l'annexe 1 a force de loi en Ontario à compter du jour de son entrée en vigueur, conformément aux articles 18 et 23 de la Convention.

Couronne liée

4. La présente loi lie la Couronne.

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

5. La loi figurant à la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Titre abrégé

6. Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2016 sur la Convention sur les communications électroniques internationales*.

SCHEDULE 1
UNITED NATIONS CONVENTION ON THE USE
OF ELECTRONIC COMMUNICATIONS
IN INTERNATIONAL CONTRACTS

The States Parties to this Convention,

Reaffirming their belief that international trade on the basis of equality and mutual benefit is an important element in promoting friendly relations among States,

Noting that the increased use of electronic communications improves the efficiency of commercial activities, enhances trade connections and allows new access opportunities for previously remote parties and markets, thus playing a fundamental role in promoting trade and economic development, both domestically and internationally,

Considering that problems created by uncertainty as to the legal value of the use of electronic communications in international contracts constitute an obstacle to international trade,

Convinced that the adoption of uniform rules to remove obstacles to the use of electronic communications in international contracts, including obstacles that might result from the operation of existing international trade law instruments, would enhance legal certainty and commercial predictability for international contracts and help States gain access to modern trade routes,

Being of the opinion that uniform rules should respect the freedom of parties to choose appropriate media and technologies, taking account of the principles of technological neutrality and functional equivalence, to the extent that the means chosen by the parties comply with the purpose of the relevant rules of law,

Desiring to provide a common solution to remove legal obstacles to the use of electronic communications in a manner acceptable to States with different legal, social and economic systems,

Have agreed as follows:

CHAPTER I.
SPHERE OF APPLICATION

Article 1. Scope of application

1. This Convention applies to the use of electronic communications in connection with the formation or performance of a contract between parties whose places of business are in different States.

2. The fact that the parties have their places of business in different States is to be disregarded whenever this fact does not appear either from the contract or from any dealings between the parties or from information disclosed by the parties at any time before or at the conclusion of the contract.

ANNEXE 1
CONVENTION DES NATIONS UNIES
SUR L'UTILISATION DE COMMUNICATIONS
ÉLECTRONIQUES DANS LES CONTRATS
INTERNATIONAUX

Les États Parties à la présente Convention,

Réaffirmant leur conviction que le commerce international sur la base de l'égalité et des avantages mutuels constitue un élément important susceptible de promouvoir les relations amicales entre les États,

Notant que l'usage accru des communications électroniques améliore l'efficacité des activités commerciales, renforce les relations commerciales et offre de nouvelles possibilités de débouchés à des parties et à des marchés auparavant isolés, jouant ainsi un rôle fondamental dans la promotion du commerce et du développement économique, aux niveaux tant national qu'international,

Considérant que les problèmes créés par les incertitudes quant à la valeur juridique de l'utilisation de communications électroniques dans les contrats internationaux constituent un obstacle au commerce international,

Convaincus que l'adoption de règles uniformes pour éliminer les obstacles à l'utilisation des communications électroniques dans les contrats internationaux, notamment les obstacles pouvant résulter de l'application des instruments de droit commercial international existants, renforcerait la sécurité juridique et la prévisibilité commerciale pour les contrats internationaux et aiderait les États à accéder aux circuits commerciaux modernes,

Estimant que des règles uniformes devraient respecter la liberté des parties de choisir les supports et technologies appropriés, en tenant compte des principes de neutralité technologique et d'équivalence fonctionnelle, dans la mesure où les moyens choisis par celles-ci sont conformes à l'objet des règles de droit applicables en la matière,

Désireux de trouver une solution commune pour lever les obstacles juridiques à l'utilisation des communications électroniques d'une manière qui soit acceptable pour les États dotés de systèmes juridiques, sociaux et économiques différents,

Sont convenus de ce qui suit :

CHAPITRE PREMIER.
SPHÈRE D'APPLICATION

Article premier. Champ d'application

1. La présente Convention s'applique à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat entre des parties ayant leur établissement dans des États différents.

2. Il n'est pas tenu compte du fait que les parties ont leur établissement dans des États différents lorsque ce fait ne ressort ni du contrat, ni de transactions effectuées entre les parties, ni de renseignements donnés par elles à un moment quelconque avant la conclusion ou lors de la conclusion du contrat.

3. Neither the nationality of the parties nor the civil or commercial character of the parties or of the contract is to be taken into consideration in determining the application of this Convention.

Article 2. Exclusions

1. This Convention does not apply to electronic communications relating to any of the following:

- (a) Contracts concluded for personal, family or household purposes;
- (b) (i) Transactions on a regulated exchange; (ii) foreign exchange transactions; (iii) inter-bank payment systems, inter-bank payment agreements or clearance and settlement systems relating to securities or other financial assets or instruments; (iv) the transfer of security rights in sale, loan or holding of or agreement to repurchase securities or other financial assets or instruments held with an intermediary.

2. This Convention does not apply to bills of exchange, promissory notes, consignment notes, bills of lading, warehouse receipts or any transferable document or instrument that entitles the bearer or beneficiary to claim the delivery of goods or the payment of a sum of money.

Article 3. Party autonomy

The parties may exclude the application of this Convention or derogate from or vary the effect of any of its provisions.

CHAPTER II. GENERAL PROVISIONS

Article 4. Definitions

For the purposes of this Convention:

- (a) "Communication" means any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer, that the parties are required to make or choose to make in connection with the formation or performance of a contract;
- (b) "Electronic communication" means any communication that the parties make by means of data messages;
- (c) "Data message" means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex or telecopy;
- (d) "Originator" of an electronic communication means a party by whom, or on whose behalf, the electronic communication has been sent or gener-

3. Ni la nationalité des parties, ni le caractère civil ou commercial des parties ou du contrat ne sont pris en considération pour l'application de la présente Convention.

Article 2. Exclusions

1. La présente Convention ne s'applique pas aux communications électroniques qui ont un rapport avec l'un quelconque des éléments suivants :

- a) Contrats conclus à des fins personnelles, familiales ou domestiques;
- b) i) Opérations sur un marché boursier réglementé; ii) opérations de change; iii) systèmes de paiement interbancaire, accords de paiement interbancaire ou systèmes de compensation et de règlement portant sur des valeurs mobilières ou d'autres instruments ou actifs financiers; iv) transfert de sûretés portant sur des valeurs mobilières ou sur d'autres instruments ou actifs financiers détenus auprès d'intermédiaires, ou vente, prêt, détention ou convention de rachat de ces valeurs, actifs ou instruments.

2. La présente Convention ne s'applique pas aux lettres de change, aux billets à ordre, aux lettres de transport, aux connaissements, aux récépissés d'entrepôt ni à aucun document ou instrument transférable donnant le droit au porteur ou au bénéficiaire de demander la livraison de marchandises ou le paiement d'une somme d'argent.

Article 3. Autonomie des parties

Les parties peuvent exclure l'application de la présente Convention ou déroger à l'une quelconque de ses dispositions ou en modifier les effets.

CHAPITRE II. DISPOSITIONS GÉNÉRALES

Article 4. Définitions

Aux fins de la présente Convention :

- a) Le terme «communication» désigne toute mention, déclaration, mise en demeure, notification ou demande, y compris une offre et l'acceptation d'une offre, que les parties sont tenues d'effectuer ou choisissent d'effectuer en relation avec la formation ou l'exécution d'un contrat;
- b) Le terme «communication électronique» désigne toute communication que les parties effectuent au moyen de messages de données;
- c) Le terme «message de données» désigne l'information créée, transmise, reçue ou conservée par des moyens électroniques, magnétiques ou optiques ou des moyens analogues, notamment, mais non exclusivement, l'échange de données informatisé (EDI), la messagerie électronique, le télégramme, le télex ou la télécopie;
- d) Le terme «expéditeur» d'une communication électronique désigne la partie par laquelle, ou au nom de laquelle, la communication électronique a été

ated prior to storage, if any, but it does not include a party acting as an intermediary with respect to that electronic communication;

- (e) “Addressee” of an electronic communication means a party who is intended by the originator to receive the electronic communication, but does not include a party acting as an intermediary with respect to that electronic communication;
- (f) “Information system” means a system for generating, sending, receiving, storing or otherwise processing data messages;
- (g) “Automated message system” means a computer program or an electronic or other automated means used to initiate an action or respond to data messages or performances in whole or in part, without review or intervention by a natural person each time an action is initiated or a response is generated by the system;
- (h) “Place of business” means any place where a party maintains a non-transitory establishment to pursue an economic activity other than the temporary provision of goods or services out of a specific location.

Article 5. Interpretation

1. In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in international trade.

2. Questions concerning matters governed by this Convention which are not expressly settled in it are to be settled in conformity with the general principles on which it is based or, in the absence of such principles, in conformity with the law applicable by virtue of the rules of private international law.

Article 6. Location of the parties

1. For the purposes of this Convention, a party's place of business is presumed to be the location indicated by that party, unless another party demonstrates that the party making the indication does not have a place of business at that location.

2. If a party has not indicated a place of business and has more than one place of business, then the place of business for the purposes of this Convention is that which has the closest relationship to the relevant contract, having regard to the circumstances known to or contemplated by the parties at any time before or at the conclusion of the contract.

3. If a natural person does not have a place of business, reference is to be made to the person's habitual residence.

4. A location is not a place of business merely because that is: (a) where equipment and technology supporting an information system used by a party in connection with the formation of a contract are located; or (b)

envoyée ou créée avant d'avoir été éventuellement conservée, mais non la partie qui agit en tant qu'intermédiaire pour cette communication;

- e) Le terme «destinataire» d'une communication électronique désigne la partie à qui l'expéditeur a l'intention d'adresser la communication électronique, mais non la partie qui agit en tant qu'intermédiaire pour cette communication;
- f) Le terme «système d'information» désigne un système utilisé pour créer, envoyer, recevoir, conserver ou traiter de toute autre manière des messages de données;
- g) Le terme «système de messagerie automatisé» désigne un programme informatique, un moyen électronique ou un autre moyen automatisé utilisé pour entreprendre une action ou pour répondre en tout ou en partie à des messages de données ou à des opérations, sans intervention ou contrôle d'une personne physique à chaque action entreprise ou réponse produite;
- h) Le terme «établissement» désigne tout lieu où une partie dispose d'une installation non transitoire pour mener une activité économique, autre que la fourniture temporaire de biens ou de services, et à partir d'un lieu déterminé.

Article 5. Interprétation

1. Pour l'interprétation de la présente Convention, il est tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application ainsi que d'assurer le respect de la bonne foi dans le commerce international.

2. Les questions concernant les matières régies par la présente Convention qui ne sont pas expressément tranchées par elle sont réglées selon les principes généraux dont elle s'inspire ou, à défaut de ces principes, conformément à la loi applicable en vertu des règles du droit international privé.

Article 6. Lieu de situation des parties

1. Aux fins de la présente Convention, une partie est présumée avoir son établissement au lieu qu'elle a indiqué, sauf si une autre partie démontre que la partie ayant donné cette indication n'a pas d'établissement dans ce lieu.

2. Dans le cas où une partie n'a pas indiqué d'établissement et a plus d'un établissement, l'établissement à prendre en considération aux fins de la présente Convention est celui qui a la relation la plus étroite avec le contrat considéré, compte tenu des circonstances connues des parties ou envisagées par elles avant ou au moment de la conclusion du contrat.

3. Si une personne physique n'a pas d'établissement, sa résidence habituelle en tient lieu.

4. Un lieu ne constitue pas un établissement du seul fait qu'il s'agit de l'endroit : a) où se trouvent le matériel et la technologie sur lesquels s'appuie un système d'information utilisé par une partie en relation avec la

where the information system may be accessed by other parties.

5. The sole fact that a party makes use of a domain name or electronic mail address connected to a specific country does not create a presumption that its place of business is located in that country.

Article 7. Information requirements

Nothing in this Convention affects the application of any rule of law that may require the parties to disclose their identities, places of business or other information, or relieves a party from the legal consequences of making inaccurate, incomplete or false statements in that regard.

CHAPTER III. USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS

Article 8. Legal recognition of electronic communications

1. A communication or a contract shall not be denied validity or enforceability on the sole ground that it is in the form of an electronic communication.

2. Nothing in this Convention requires a party to use or accept electronic communications, but a party's agreement to do so may be inferred from the party's conduct.

Article 9. Form requirements

1. Nothing in this Convention requires a communication or a contract to be made or evidenced in any particular form.

2. Where the law requires that a communication or a contract should be in writing, or provides consequences for the absence of a writing, that requirement is met by an electronic communication if the information contained therein is accessible so as to be usable for subsequent reference.

3. Where the law requires that a communication or a contract should be signed by a party, or provides consequences for the absence of a signature, that requirement is met in relation to an electronic communication if:

- (a) A method is used to identify the party and to indicate that party's intention in respect of the information contained in the electronic communication; and
- (b) The method used is either:
 - (i) As reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement; or

formation d'un contrat; ou b) où d'autres parties peuvent accéder à ce système d'information.

5. Le seul fait qu'une partie utilise un nom de domaine ou une adresse électronique associés à un pays particulier ne constitue pas une présomption que son établissement est situé dans ce pays.

Article 7. Obligations d'information

Aucune disposition de la présente Convention n'a d'incidence sur l'application d'une règle de droit obligeant les parties à communiquer leur identité, leur établissement ou toute autre information, ni n'exonère une partie des conséquences juridiques auxquelles elle s'exposerait en faisant des déclarations inexactes, incomplètes ou fausses à cet égard.

CHAPITRE III. UTILISATION DE COMMUNICATIONS ÉLECTRONIQUES DANS LES CONTRATS INTERNATIONAUX

Article 8. Reconnaissance juridique des communications électroniques

1. La validité ou la force exécutoire d'une communication ou d'un contrat ne peuvent être contestées au seul motif que cette communication ou ce contrat est sous forme de communication électronique.

2. Aucune disposition de la présente Convention n'oblige une partie à utiliser ou à accepter des communications électroniques, mais le fait qu'elle y consent peut être déduit de son comportement.

Article 9. Conditions de forme

1. Aucune disposition de la présente Convention n'exige qu'une communication ou un contrat soit établi ou constaté sous une forme particulière.

2. Lorsque la loi exige qu'une communication ou un contrat soit sous forme écrite, ou prévoit des conséquences juridiques en l'absence d'un écrit, une communication électronique satisfait à cette exigence si l'information qu'elle contient est accessible pour être consultée ultérieurement.

3. Lorsque la loi exige qu'une communication ou un contrat soit signé par une partie, ou prévoit des conséquences en l'absence d'une signature, cette exigence est satisfaite dans le cas d'une communication électronique :

- a) Si une méthode est utilisée pour identifier la partie et pour indiquer la volonté de cette partie concernant l'information contenue dans la communication électronique; et
- b) Si la méthode utilisée est :
 - i) Soit une méthode dont la fiabilité est suffisante au regard de l'objet pour lequel la communication électronique a été créée ou transmise, compte tenu de toutes les circonstances, y compris toute convention en la matière;

- (ii) Proven in fact to have fulfilled the functions described in subparagraph (a) above, by itself or together with further evidence.

4. Where the law requires that a communication or a contract should be made available or retained in its original form, or provides consequences for the absence of an original, that requirement is met in relation to an electronic communication if:

- (a) There exists a reliable assurance as to the integrity of the information it contains from the time when it was first generated in its final form, as an electronic communication or otherwise; and
- (b) Where it is required that the information it contains be made available, that information is capable of being displayed to the person to whom it is to be made available.

5. For the purposes of paragraph 4 (a):

- (a) The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display; and
- (b) The standard of reliability required shall be assessed in the light of the purpose for which the information was generated and in the light of all the relevant circumstances.

Article 10. Time and place of dispatch and receipt of electronic communications

1. The time of dispatch of an electronic communication is the time when it leaves an information system under the control of the originator or of the party who sent it on behalf of the originator or, if the electronic communication has not left an information system under the control of the originator or of the party who sent it on behalf of the originator, the time when the electronic communication is received.

2. The time of receipt of an electronic communication is the time when it becomes capable of being retrieved by the addressee at an electronic address designated by the addressee. The time of receipt of an electronic communication at another electronic address of the addressee is the time when it becomes capable of being retrieved by the addressee at that address and the addressee becomes aware that the electronic communication has been sent to that address. An electronic communication is presumed to be capable of being retrieved by the addressee when it reaches the addressee's electronic address.

3. An electronic communication is deemed to be dispatched at the place where the originator has its place of business and is deemed to be received at the place where the addressee has its place of business, as determined in accordance with article 6.

4. Paragraph 2 of this article applies notwithstanding

- ii) Soit une méthode dont il est démontré dans les faits qu'elle a, par elle-même ou avec d'autres preuves, rempli les fonctions visées à l'alinéa a) ci-dessus.

4. Lorsque la loi exige qu'une communication ou un contrat soit disponible ou conservé sous sa forme originale, ou prévoit des conséquences juridiques en l'absence d'un original, cette exigence est satisfaite dans le cas d'une communication électronique :

- a) S'il existe une garantie fiable quant à l'intégrité de l'information qu'elle contient à compter du moment où elle a été créée pour la première fois sous sa forme définitive, en tant que communication électronique ou autre; et
- b) Si, lorsqu'il est exigé que l'information qu'elle contient soit disponible, cette information peut être présentée à la personne à laquelle elle doit être rendue disponible.

5. Aux fins de l'alinéa a) du paragraphe 4 :

- a) L'intégrité de l'information s'apprécie en déterminant si celle-ci est restée complète et n'a pas été altérée, exception faite de l'ajout de tout endossement et de toute modification susceptible d'intervenir dans le processus normal de la communication, de la conservation et de l'affichage; et
- b) Le niveau de fiabilité requis s'apprécie au regard de l'objet pour lequel l'information a été créée et à la lumière de toutes les circonstances y ayant trait.

Article 10. Moment et lieu de l'expédition et de la réception de communications électroniques

1. Le moment de l'expédition d'une communication électronique est le moment où cette communication quitte un système d'information dépendant de l'expéditeur ou de la partie qui l'a envoyée au nom de l'expéditeur, ou bien, si la communication électronique n'a pas quitté un système d'information dépendant de l'expéditeur ou de la partie qui l'a envoyée au nom de l'expéditeur, le moment où elle est reçue.

2. Le moment de la réception d'une communication électronique est le moment où cette communication peut être relevée par le destinataire à une adresse électronique que celui-ci a désignée. Le moment de la réception d'une communication électronique à une autre adresse électronique du destinataire est le moment où cette communication peut être relevée par le destinataire à cette adresse et où celui-ci prend connaissance du fait qu'elle a été envoyée à cette adresse. Une communication électronique est présumée pouvoir être relevée par le destinataire lorsqu'elle parvient à l'adresse électronique de celui-ci.

3. Une communication électronique est réputée avoir été expédiée du lieu où l'expéditeur a son établissement et avoir été reçue au lieu où le destinataire a son établissement, ces lieux étant déterminés conformément à l'article 6.

4. Le paragraphe 2 du présent article s'applique même

that the place where the information system supporting an electronic address is located may be different from the place where the electronic communication is deemed to be received under paragraph 3 of this article.

Article 11. Invitations to make offers

A proposal to conclude a contract made through one or more electronic communications which is not addressed to one or more specific parties, but is generally accessible to parties making use of information systems, including proposals that make use of interactive applications for the placement of orders through such information systems, is to be considered as an invitation to make offers, unless it clearly indicates the intention of the party making the proposal to be bound in case of acceptance.

Article 12. Use of automated message systems for contract formation

A contract formed by the interaction of an automated message system and a natural person, or by the interaction of automated message systems, shall not be denied validity or enforceability on the sole ground that no natural person reviewed or intervened in each of the individual actions carried out by the automated message systems or the resulting contract.

Article 13. Availability of contract terms

Nothing in this Convention affects the application of any rule of law that may require a party that negotiates some or all of the terms of a contract through the exchange of electronic communications to make available to the other party those electronic communications which contain the contractual terms in a particular manner, or relieves a party from the legal consequences of its failure to do so.

Article 14. Error in electronic communications

1. Where a natural person makes an input error in an electronic communication exchanged with the automated message system of another party and the automated message system does not provide the person with an opportunity to correct the error, that person, or the party on whose behalf that person was acting, has the right to withdraw the portion of the electronic communication in which the input error was made if:

- (a) The person, or the party on whose behalf that person was acting, notifies the other party of the error as soon as possible after having learned of the error and indicates that he or she made an error in the electronic communication; and
- (b) The person, or the party on whose behalf that person was acting, has not used or received any

si le lieu où est situé le système d'information qui constitue le support de l'adresse électronique est différent du lieu où la communication électronique est réputée avoir été reçue selon le paragraphe 3 du présent article.

Article 11. Invitations à l'offre

Une proposition de conclure un contrat effectuée par l'intermédiaire d'une ou plusieurs communications électroniques qui n'est pas adressée en particulier à une ou plusieurs parties mais qui est généralement accessible à des parties utilisant des systèmes d'information, y compris à l'aide d'applications interactives permettant de passer des commandes par l'intermédiaire de ces systèmes d'information, doit être considérée comme une invitation à l'offre, à moins qu'elle n'indique clairement l'intention de la partie effectuant la proposition d'être liée en cas d'acceptation.

Article 12. Utilisation de systèmes de messagerie automatisés pour la formation des contrats

La validité ou la force exécutoire d'un contrat formé par l'interaction d'un système de messagerie automatisé et d'une personne physique, ou bien par l'interaction de systèmes de messagerie automatisés, ne peuvent être contestées au seul motif qu'une personne physique n'est pas intervenue ou n'a pas contrôlé chacune des opérations exécutées par les systèmes ni le contrat qui en résulte.

Article 13. Mise à disposition des clauses contractuelles

Aucune disposition de la présente Convention n'a d'incidence sur l'application d'une règle de droit obligeant une partie qui négocie tout ou partie des clauses d'un contrat en échangeant des communications électroniques à mettre d'une manière déterminée à la disposition de l'autre partie les communications électroniques contenant les clauses contractuelles, ni n'exonère une partie des conséquences juridiques auxquelles elle s'exposerait en ne le faisant pas.

Article 14. Erreur dans les communications électroniques

1. Lorsqu'une personne physique commet une erreur de saisie dans une communication électronique échangée avec le système de messagerie automatisé d'une autre partie et que le système de messagerie automatisé ne lui donne pas la possibilité de corriger l'erreur, cette personne, ou la partie au nom de laquelle elle agissait, peut exercer un droit de retrait de la partie de la communication électronique dans laquelle l'erreur de saisie a été commise si :

- a) La personne, ou la partie au nom de laquelle elle agissait, avise l'autre partie de l'erreur aussitôt que possible après en avoir pris connaissance et lui signale qu'elle a commis une erreur dans la communication électronique; et
- b) La personne, ou la partie au nom de laquelle elle agissait, n'a pas tiré d'avantage matériel ou de con-

material benefit or value from the goods or services, if any, received from the other party.

2. Nothing in this article affects the application of any rule of law that may govern the consequences of any error other than as provided for in paragraph 1.

CHAPTER IV. FINAL PROVISIONS

Article 15. Depositary

The Secretary-General of the United Nations is hereby designated as the depositary for this Convention.

Article 16. Signature, ratification, acceptance or approval

1. This Convention is open for signature by all States at United Nations Headquarters in New York from 16 January 2006 to 16 January 2008.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. This Convention is open for accession by all States that are not signatory States as from the date it is open for signature.

4. Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary-General of the United Nations.

Article 17. Participation by regional economic integration organizations

1. A regional economic integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a Contracting State, to the extent that that organization has competence over matters governed by this Convention.

Where the number of Contracting States is relevant in this Convention, the regional economic integration organization shall not count as a Contracting State in addition to its member States that are Contracting States.

2. The regional economic integration organization shall, at the time of signature, ratification, acceptance, approval or accession, make a declaration to the depositary specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

3. Any reference to a "Contracting State" or "Contracting States" in this Convention applies equally to a regional economic integration organization where the context so requires.

trepartie des biens ou services éventuellement reçus de l'autre partie ni utilisé un tel avantage ou une telle contrepartie.

2. Aucune disposition du présent article n'a d'incidence sur l'application d'une règle de droit régissant les conséquences d'une erreur autre que celle visée au paragraphe 1.

CHAPITRE IV. DISPOSITIONS FINALES

Article 15. Dépositaire

Le Secrétaire général de l'Organisation des Nations Unies est désigné comme dépositaire de la présente Convention.

Article 16. Signature, ratification, acceptation ou approbation

1. La présente Convention est ouverte à la signature de tous les États au Siège de l'Organisation des Nations Unies à New York du 16 janvier 2006 au 16 janvier 2008.

2. La présente Convention est sujette à ratification, acceptation ou approbation par les États signataires.

3. La présente Convention est ouverte à l'adhésion de tous les États qui ne sont pas signataires à partir de la date à laquelle elle est ouverte à la signature.

4. Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion sont déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 17. Participation d'organisations régionales d'intégration économique

1. Une organisation régionale d'intégration économique constituée par des États souverains et ayant compétence sur certaines matières régies par la présente Convention peut elle aussi signer, ratifier, accepter, approuver la présente Convention ou y adhérer. En pareil cas, elle aura les mêmes droits et obligations qu'un État contractant, dans la mesure où elle a compétence sur des matières régies par la présente Convention.

Lorsque le nombre d'États contractants est pertinent pour l'application des dispositions de la présente Convention, l'organisation régionale d'intégration économique n'est pas comptée comme État contractant en plus de ses États membres qui sont des États contractants.

2. Au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, l'organisation régionale d'intégration économique effectue auprès du dépositaire une déclaration indiquant les matières régies par la présente Convention pour lesquelles ses États membres lui ont transféré leur compétence. Elle informe sans retard le dépositaire de toute modification intervenue dans la répartition de compétence, y compris de nouveaux transferts de compétence, précisée dans la déclaration faite en vertu du présent paragraphe.

3. Toute référence à «État contractant» ou «États contractants» dans la présente Convention s'applique également à une organisation régionale d'intégration économique, lorsque le contexte requiert qu'il en soit ainsi.

4. This Convention shall not prevail over any conflicting rules of any regional economic integration organization as applicable to parties whose respective places of business are located in States members of any such organization, as set out by declaration made in accordance with article 21.

Article 18. Effect in domestic territorial units

1. If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2. These declarations are to be notified to the depositary and are to state expressly the territorial units to which the Convention extends.

3. If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party is located in that State, this place of business, for the purposes of this Convention, is considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

4. If a Contracting State makes no declaration under paragraph 1 of this article, the Convention is to extend to all territorial units of that State.

Article 19. Declarations on the scope of application

1. Any Contracting State may declare, in accordance with article 21, that it will apply this Convention only:

- (a) When the States referred to in article 1, paragraph 1, are Contracting States to this Convention; or
- (b) When the parties have agreed that it applies.

2. Any Contracting State may exclude from the scope of application of this Convention the matters it specifies in a declaration made in accordance with article 21.

Article 20. Communications exchanged under other international conventions

1. The provisions of this Convention apply to the use of electronic communications in connection with the formation or performance of a contract to which any of the following international conventions, to which a Contracting State to this Convention is or may become a Contracting State, apply:

4. La présente Convention ne peut prévaloir sur aucune règle contraire d'une organisation régionale d'intégration économique applicable aux parties dont les établissements respectifs sont situés dans les États membres d'une telle organisation, comme précisé par une déclaration faite conformément à l'article 21.

Article 18. Effet dans les unités territoriales nationales

1. Si un État contractant comprend deux unités territoriales ou plus dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par la présente Convention, il peut, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou uniquement à l'une ou plusieurs d'entre elles et peut à tout moment modifier sa déclaration en faisant une nouvelle déclaration.

2. Ces déclarations sont notifiées au dépositaire et désignent expressément les unités territoriales auxquelles la Convention s'applique.

3. Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou plusieurs des unités territoriales d'un État contractant, mais non pas à toutes, et si l'établissement d'une partie est situé dans cet État, cet établissement est considéré, aux fins de la présente Convention, comme n'étant pas situé dans un État contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.

4. Si un État contractant ne fait pas de déclaration en vertu du paragraphe 1 du présent article, la Convention s'applique à toutes les unités territoriales de cet État.

Article 19. Déclarations concernant le champ d'application

1. Tout État contractant peut déclarer, conformément à l'article 21, qu'il appliquera la présente Convention uniquement :

- a) Lorsque les États visés au paragraphe 1 de l'article premier sont des États contractants à la présente Convention; ou
- b) Lorsque les parties sont convenues qu'elle s'applique.

2. Tout État contractant peut exclure du champ d'application de la présente Convention les matières spécifiées dans une déclaration faite conformément à l'article 21.

Article 20. Communications échangées conformément à d'autres conventions internationales

1. Les dispositions de la présente Convention s'appliquent à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat auquel s'applique l'une quelconque des conventions internationales ci-après dont un État contractant à la présente Convention est un État contractant ou peut le devenir :

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958);

Convention on the Limitation Period in the International Sale of Goods (New York, 14 June 1974) and Protocol thereto (Vienna, 11 April 1980);

United Nations Convention on Contracts for the International Sale of Goods (Vienna, 11 April 1980);

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 19 April 1991);

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (New York, 11 December 1995);

United Nations Convention on the Assignment of Receivables in International Trade (New York, 12 December 2001).

2. The provisions of this Convention apply further to electronic communications in connection with the formation or performance of a contract to which another international convention, treaty or agreement not specifically referred to in paragraph 1 of this article, and to which a Contracting State to this Convention is or may become a Contracting State, applies, unless the State has declared, in accordance with article 21, that it will not be bound by this paragraph.

3. A State that makes a declaration pursuant to paragraph 2 of this article may also declare that it will nevertheless apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of any contract to which a specified international convention, treaty or agreement applies to which the State is or may become a Contracting State.

4. Any State may declare that it will not apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of a contract to which any international convention, treaty or agreement specified in that State's declaration, to which the State is or may become a Contracting State, applies, including any of the conventions referred to in paragraph 1 of this article, even if such State has not excluded the application of paragraph 2 of this article by a declaration made in accordance with article 21.

Article 21. Procedure and effects of declarations

1. Declarations under article 17, paragraph 4, article 19, paragraphs 1 and 2, and article 20, paragraphs 2, 3 and 4, may be made at any time. Declarations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

2. Declarations and their confirmations are to be in writing and to be formally notified to the depositary.

3. A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State

Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères (New York, 10 juin 1958);

Convention sur la prescription en matière de vente internationale de marchandises (New York, 14 juin 1974) et Protocole y relatif (Vienne, 11 avril 1980);

Convention des Nations Unies sur les contrats de vente internationale de marchandises (Vienne, 11 avril 1980);

Convention des Nations Unies sur la responsabilité des exploitants de terminaux de transport dans le commerce international (Vienne, 19 avril 1991);

Convention des Nations Unies sur les garanties indépendantes et les lettres de crédit stand-by (New York, 11 décembre 1995);

Convention des Nations Unies sur la cession de créances dans le commerce international (New York, 12 décembre 2001).

2. Les dispositions de la présente Convention s'appliquent en outre aux communications électroniques se rapportant à la formation ou à l'exécution d'un contrat auquel s'applique une autre convention ou un autre traité ou accord international non expressément mentionné au paragraphe 1 du présent article dont un État contractant à la présente Convention est un État contractant ou peut le devenir, sauf si cet État a déclaré, conformément à l'article 21, qu'il ne sera pas lié par le présent paragraphe.

3. Un État qui fait une déclaration en application du paragraphe 2 du présent article peut également déclarer qu'il appliquera néanmoins les dispositions de la présente Convention à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution de tout contrat auquel s'applique une convention, un traité ou un accord international spécifié dont cet État est un État contractant ou peut le devenir.

4. Tout État peut déclarer qu'il n'appliquera pas les dispositions de la présente Convention à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat auquel s'applique une convention, un traité ou un accord international qu'il a spécifié dans sa déclaration et dont il est un État contractant ou peut le devenir, y compris l'une quelconque des conventions mentionnées au paragraphe 1 du présent article, même s'il n'a pas exclu l'application du paragraphe 2 du présent article dans une déclaration faite conformément à l'article 21.

Article 21. Procédure et effets des déclarations

1. Des déclarations peuvent être faites à tout moment en vertu du paragraphe 4 de l'article 17, des paragraphes 1 et 2 de l'article 19 et des paragraphes 2, 3 et 4 de l'article 20. Les déclarations faites lors de la signature sont sujettes à confirmation lors de la ratification, de l'acceptation ou de l'approbation.

2. Les déclarations et leur confirmation sont faites par écrit et formellement notifiées au dépositaire.

3. Les déclarations prennent effet à la date de l'entrée en vigueur de la présente Convention à l'égard de l'État

concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary.

4. Any State that makes a declaration under this Convention may modify or withdraw it at any time by a formal notification in writing addressed to the depositary. The modification or withdrawal is to take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the depositary.

Article 22. Reservations

No reservations may be made under this Convention.

Article 23. Entry into force

1. This Convention enters into force on the first day of the month following the expiration of six months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

Article 24. Time of application

This Convention and any declaration apply only to electronic communications that are made after the date when the Convention or the declaration enters into force or takes effect in respect of each Contracting State.

Article 25. Denunciations

1. A Contracting State may denounce this Convention by a formal notification in writing addressed to the depositary.

2. The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

DONE at New York this twenty-third day of November two thousand and five, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

concerné. Cependant, une déclaration dont le dépositaire reçoit notification formelle après cette date prend effet le premier jour du mois suivant l'expiration d'un délai de six mois à compter de la date de sa réception par le dépositaire.

4. Tout État qui fait une déclaration en vertu de la présente Convention peut à tout moment la modifier ou la retirer par notification formelle adressée par écrit au dépositaire. La modification ou le retrait prend effet le premier jour du mois suivant l'expiration d'un délai de six mois après la date de réception de la notification par le dépositaire.

Article 22. Réserves

Aucune réserve ne peut être faite en vertu de la présente Convention.

Article 23. Entrée en vigueur

1. La présente Convention entre en vigueur le premier jour du mois suivant l'expiration d'un délai de six mois après la date du dépôt du troisième instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

2. Lorsqu'un État ratifie, accepte ou approuve la présente Convention ou y adhère après le dépôt du troisième instrument de ratification, d'acceptation, d'approbation ou d'adhésion, la présente Convention entre en vigueur à l'égard de cet État le premier jour du mois suivant l'expiration d'un délai de six mois après la date du dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

Article 24. Moment de l'application

La présente Convention et toute déclaration s'appliquent uniquement aux communications électroniques qui sont échangées après la date à laquelle la Convention ou la déclaration entre en vigueur ou prend effet à l'égard de chaque État contractant.

Article 25. Dénonciation

1. Un État contractant peut dénoncer la présente Convention par une notification formelle adressée par écrit au dépositaire.

2. La dénonciation prend effet le premier jour du mois suivant l'expiration d'un délai de douze mois à compter de la réception de la notification par le dépositaire. Lorsqu'un délai plus long est spécifié dans la notification, la dénonciation prend effet à l'expiration du délai en question à compter de la réception de la notification par le dépositaire.

FAIT à New York, ce vingt-troisième jour de novembre de l'an 2005 en un seul original, dont les versions anglaise, arabe, chinoise, espagnole, française et russe font également foi.

EN FOI DE QUOI, les plénipotentiaires soussignés, à ce dûment autorisés par leurs gouvernements respectifs, ont signé la présente Convention.

SCHEDULE 7 INTERNATIONAL RECOGNITION OF TRUSTS ACT, 2016

CONTENTS

1.	Interpretation
2.	Application of Convention
3.	Extension of Convention
4.	Crown bound
5.	Commencement
6.	Short title
Schedule 1	Convention on the Law Applicable to Trusts and on their Recognition

Interpretation

1. The word “fiducie” used in the French version of this Act has the same meaning as the word “trust” used in the French version of the Convention referred to in subsection 2 (1).

Application of Convention

2. (1) The Convention on the Law Applicable to Trusts and on their Recognition, done at The Hague on July 1, 1985 and set out in Schedule 1, has force of law in Ontario on and after the day it enters into force in accordance with Articles 29 and 30 of the Convention.

Application of Act

(2) This Act does not apply to conflicts solely between the laws of the provinces and territories of Canada.

Extension of Convention

3. (1) The Convention is extended to trusts declared by judicial decisions including constructive trusts and resulting trusts.

Interpretation, refusal to give recognition or effect

(2) Nothing in this Act is to be construed as requiring that recognition or effect be given to a trust declared by judicial decision in another state or a severable aspect of such a trust, if the Superior Court of Justice is satisfied that there is a substantial reason for refusing to give recognition or effect to the trust or aspect.

Crown bound

4. This Act binds the Crown.

Commencement

5. The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Short title

6. The short title of the Act set out in this Schedule is the *International Recognition of Trusts Act, 2016*.

ANNEXE 7 LOI DE 2016 SUR LA RECONNAISSANCE INTERNATIONALE DES FIDUCIES

SOMMAIRE

1.	Interprétation
2.	Application de la Convention
3.	Portée de la Convention
4.	La Couronne est liée
5.	Entrée en vigueur
6.	Titre abrégé
Annexe 1	Convention relative à la loi applicable au trust et à sa reconnaissance

Interprétation

1. Le terme «fiducie» employé dans la version française de la présente loi s'entend au sens du terme «trust» employé dans la version française de la Convention visée au paragraphe 2 (1).

Application de la Convention

2. (1) La Convention relative à la loi applicable au trust et à sa reconnaissance faite à La Haye le 1^{er} juillet 1985 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes des articles 29 et 30 de la Convention.

Application de la Loi

(2) La présente loi ne s'applique pas aux incompatibilités qui existent uniquement entre les lois des provinces et des territoires du Canada.

Portée de la Convention

3. (1) La Convention s'applique aux fiducies créées par une décision de justice, y compris les fiducies judiciaires et les fiducies par déduction.

Interprétation : refus de donner reconnaissance ou validité

(2) La présente loi n'a pour effet d'obliger à la reconnaissance ou à la validité d'une fiducie créée par une décision de justice dans un État étranger ou d'un aspect séparable d'une telle fiducie, si la Cour supérieure de justice est convaincue qu'il existe des motifs importants justifiant le refus de cette reconnaissance ou de cette validité.

La Couronne est liée

4. La présente loi lie la Couronne.

Entrée en vigueur

5. La loi figurant à la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Titre abrégé

6. Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2016 sur la reconnaissance internationale des fiducies*.

SCHEDULE 1
CONVENTION ON THE LAW APPLICABLE
TO TRUSTS AND ON THEIR RECOGNITION

The States signatory to the present Convention,

Considering that the trust, as developed in courts of equity in common law jurisdictions and adopted with some modifications in other jurisdictions, is a unique legal institution,

Desiring to establish common provisions on the law applicable to trusts and to deal with the most important issues concerning the recognition of trusts,

Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions –

CHAPTER I
SCOPE

Article 1

This Convention specifies the law applicable to trusts and governs their recognition.

Article 2

For the purposes of this Convention, the term “trust” refers to the legal relationships created – *inter vivos* or on death – by a person, the settlor, when assets have been placed under the control of a trustee for the benefit of a beneficiary or for a specified purpose.

A trust has the following characteristics –

- the assets constitute a separate fund and are not a part of the trustee's own estate;
- title to the trust assets stands in the name of the trustee or in the name of another person on behalf of the trustee;
- the trustee has the power and the duty, in respect of which he is accountable, to manage, employ or dispose of the assets in accordance with the terms of the trust and the special duties imposed upon him by law.

The reservation by the settlor of certain rights and powers, and the fact that the trustee may himself have rights as a beneficiary, are not necessarily inconsistent with the existence of a trust.

Article 3

The Convention applies only to trusts created voluntarily and evidenced in writing.

Article 4

The Convention does not apply to preliminary issues relating to the validity of wills or of other acts by virtue of which assets are transferred to the trustee.

Article 5

The Convention does not apply to the extent that the law

ANNEXE 1
CONVENTION RELATIVE À LA LOI APPLICABLE
AU TRUST ET À SA RECONNAISSANCE

Les États signataires de la présente Convention,

Considérant que le trust est une institution caractéristique créée par les juridictions d'équité dans les pays de *common law*, adoptée par d'autres pays avec certaines modifications,

Sont convenus d'établir des dispositions communes sur la loi applicable au trust et de régler les problèmes les plus importants relatifs à sa reconnaissance,

Ont résolu de conclure une Convention à cet effet et d'adopter les dispositions suivantes :

CHAPITRE I
CHAMP D'APPLICATION

Article premier

La présente Convention détermine la loi applicable au trust et régit sa reconnaissance.

Article 2

Aux fins de la présente Convention, le terme «trust» vise les relations juridiques créées par une personne, le constituant – par acte entre vifs ou à cause de mort – lorsque des biens ont été placés sous le contrôle d'un *trustee* dans l'intérêt d'un bénéficiaire ou dans un but déterminé.

Le trust présente les caractéristiques suivantes :

- les biens du trust constituent une masse distincte et ne font pas partie du patrimoine du *trustee*;
- le titre relatif aux biens du trust est établi au nom du *trustee* ou d'une autre personne pour le compte du *trustee*;
- le *trustee* est investi du pouvoir et chargé de l'obligation, dont il doit rendre compte, d'administrer, de gérer ou de disposer des biens selon les termes du trust et les règles particulières imposées au *trustee* par la loi.

Le fait que le constituant conserve certaines prérogatives ou que le *trustee* possède certains droits en qualité de bénéficiaire ne s'oppose pas nécessairement à l'existence d'un trust.

Article 3

La Convention ne s'applique qu'aux trusts créés volontairement et dont la preuve est apportée par écrit.

Article 4

La Convention ne s'applique pas à des questions préliminaires relatives à la validité des testaments ou d'autres actes juridiques par lesquels des biens sont transférés au *trustee*.

Article 5

La Convention ne s'applique pas dans la mesure où la loi

specified by Chapter II does not provide for trusts or the category of trusts involved.

CHAPTER II APPLICABLE LAW

Article 6

A trust shall be governed by the law chosen by the settlor. The choice must be express or be implied in the terms of the instrument creating or the writing evidencing the trust, interpreted, if necessary, in the light of the circumstances of the case.

Where the law chosen under the previous paragraph does not provide for trusts or the category of trust involved, the choice shall not be effective and the law specified in Article 7 shall apply.

Article 7

Where no applicable law has been chosen, a trust shall be governed by the law with which it is most closely connected.

In ascertaining the law with which a trust is most closely connected reference shall be made in particular to –

- a) the place of administration of the trust designated by the settlor;
- b) the situs of the assets of the trust;
- c) the place of residence or business of the trustee;
- d) the objects of the trust and the places where they are to be fulfilled.

Article 8

The law specified by Article 6 or 7 shall govern the validity of the trust, its construction, its effects, and the administration of the trust.

In particular that law shall govern –

- a) the appointment, resignation and removal of trustees, the capacity to act as a trustee, and the devolution of the office of trustee;
- b) the rights and duties of trustees among themselves;
- c) the right of trustees to delegate in whole or in part the discharge of their duties or the exercise of their powers;
- d) the power of trustees to administer or to dispose of trust assets, to create security interests in the trust assets, or to acquire new assets;
- e) the powers of investment of trustees;
- f) restrictions upon the duration of the trust, and upon the power to accumulate the income of the trust;
- g) the relationships between the trustees and the beneficiaries including the personal liability of the trustees to the beneficiaries;

déterminée par le chapitre II ne connaît pas l'institution du trust ou la catégorie de trust en cause.

CHAPITRE II LOI APPLICABLE

Article 6

Le trust est régi par la loi choisie par le constituant. Le choix doit être exprès ou résulter des dispositions de l'acte créant le trust ou en apportant la preuve, interprétées au besoin à l'aide des circonstances de la cause.

Lorsque la loi choisie en application de l'alinéa précédent ne connaît pas l'institution du trust ou la catégorie de trust en cause, ce choix est sans effet et la loi déterminée par l'article 7 est applicable.

Article 7

Lorsqu'il n'a pas été choisi de loi, le trust est régi par la loi avec laquelle il présente les liens les plus étroits.

Pour déterminer la loi avec laquelle le trust présente les liens les plus étroits, il est tenu compte notamment :

- a) du lieu d'administration du trust désigné par le constituant;
- b) de la situation des biens du trust;
- c) de la résidence ou du lieu d'établissement du *trustee*;
- d) des objectifs du trust et des lieux où ils doivent être accomplis.

Article 8

La loi déterminée par les articles 6 ou 7 régit la validité du trust, son interprétation, ses effets ainsi que l'administration du trust.

Cette loi régit notamment :

- a) la désignation, la démission et la révocation du *trustee*, l'aptitude particulière à exercer les attributions d'un *trustee* ainsi que la transmission des fonctions de *trustee*;
- b) les droits et obligations des *trustees* entre eux;
- c) le droit du *trustee* de déléguer en tout ou en partie l'exécution de ses obligations ou l'exercice de ses pouvoirs;
- d) les pouvoirs du *trustee* d'administrer et de disposer des biens du trust, de les constituer en sûretés et d'acquérir des biens nouveaux;
- e) les pouvoirs du *trustee* de faire des investissements;
- f) les restrictions relatives à la durée du trust et aux pouvoirs de mettre en réserve les revenus du trust;
- g) les relations entre le *trustee* et les bénéficiaires, y compris la responsabilité personnelle du *trustee* envers les bénéficiaires;

- h) the variation or termination of the trust;
- i) the distribution of the trust assets;
- j) the duty of trustees to account for their administration.

Article 9

In applying this Chapter a severable aspect of the trust, particularly matters of administration, may be governed by a different law.

Article 10

The law applicable to the validity of the trust shall determine whether that law or the law governing a severable aspect of the trust may be replaced by another law.

CHAPTER III
RECOGNITION

Article 11

A trust created in accordance with the law specified by the preceding Chapter shall be recognised as a trust.

Such recognition shall imply, as a minimum, that the trust property constitutes a separate fund, that the trustee may sue and be sued in his capacity as trustee, and that he may appear or act in this capacity before a notary or any person acting in an official capacity.

In so far as the law applicable to the trust requires or provides, such recognition shall imply, in particular –

- a) that personal creditors of the trustee shall have no recourse against the trust assets;
- b) that the trust assets shall not form part of the trustee's estate upon his insolvency or bankruptcy;
- c) that the trust assets shall not form part of the matrimonial property of the trustee or his spouse nor part of the trustee's estate upon his death;
- d) that the trust assets may be recovered when the trustee, in breach of trust, has mingled trust assets with his own property or has alienated trust assets. However, the rights and obligations of any third party holder of the assets shall remain subject to the law determined by the choice of law rules of the forum.

Article 12

Where the trustee desires to register assets, movable or immovable, or documents of title to them, he shall be entitled, in so far as this is not prohibited by or inconsistent with the law of the State where registration is sought, to do so in his capacity as trustee or in such other way that the existence of the trust is disclosed.

Article 13

No State shall be bound to recognise a trust the significant elements of which, except for the choice of the applicable law, the place of administration and the habitual residence

- h) la modification ou la cessation du trust;
- i) la répartition des biens du trust;
- j) l'obligation du *trustee* de rendre compte de sa gestion.

Article 9

Dans l'application du présent chapitre, un élément du trust susceptible d'être isolé, notamment son administration, peut être régi par une loi distincte.

Article 10

La loi applicable à la validité du trust régit la possibilité de remplacer cette loi, ou la loi applicable à un élément du trust susceptible d'être isolé, par une autre loi.

CHAPITRE III
RECONNAISSANCE

Article 11

Un trust créé conformément à la loi déterminée par le chapitre précédent sera reconnu en tant que trust.

La reconnaissance implique au moins que les biens du trust soient distincts du patrimoine personnel du *trustee* et que le *trustee* puisse agir comme demandeur ou défendeur, ou comparaître en qualité de *trustee* devant un notaire ou toute personne exerçant une autorité publique.

Dans la mesure où la loi applicable au trust le requiert ou le prévoit, cette reconnaissance implique notamment :

- a) que les créanciers personnels du *trustee* ne puissent pas saisir les biens du trust;
- b) que les biens du trust soient séparés du patrimoine du *trustee* en cas d'insolvabilité ou de faillite de celui-ci;
- c) que les biens du trust ne fassent pas partie du régime matrimonial ni de la succession du *trustee*;
- d) que la revendication des biens du trust soit permise, dans les cas où le *trustee*, en violation des obligations résultant du trust, a confondu les biens du trust avec ses biens personnels ou en a disposé. Toutefois, les droits et obligations d'un tiers détenteur des biens du trust demeurent régis par la loi déterminée par les règles de conflit du for.

Article 12

Le *trustee* qui désire faire inscrire dans un registre un bien meuble ou immeuble, ou un titre s'y rapportant, sera habilité à requérir l'inscription en sa qualité de *trustee* ou de telle façon que l'existence du trust apparaisse, pour autant que ce ne soit pas interdit par la loi de l'État où l'inscription doit avoir lieu ou incompatible avec cette loi.

Article 13

Aucun État n'est tenu de reconnaître un trust dont les éléments significatifs, à l'exception du choix de la loi applicable, du lieu d'administration et de la résidence

of the trustee, are more closely connected with States which do not have the institution of the trust or the category of trust involved.

Article 14

The Convention shall not prevent the application of rules of law more favourable to the recognition of trusts.

CHAPTER IV GENERAL CLAUSES

Article 15

The Convention does not prevent the application of provisions of the law designated by the conflicts rules of the forum, in so far as those provisions cannot be derogated from by voluntary act, relating in particular to the following matters –

- a) the protection of minors and incapable parties;
- b) the personal and proprietary effects of marriage;
- c) succession rights, testate and intestate, especially the indefeasible shares of spouses and relatives;
- d) the transfer of title to property and security interests in property;
- e) the protection of creditors in matters of insolvency;
- f) the protection, in other respects, of third parties acting in good faith.

If recognition of a trust is prevented by application of the preceding paragraph, the court shall try to give effect to the objects of the trust by other means.

Article 16

The Convention does not prevent the application of those provisions of the law of the forum which must be applied even to international situations, irrespective of rules of conflict of laws.

If another State has a sufficiently close connection with a case then, in exceptional circumstances, effect may also be given to rules of that State which have the same character as mentioned in the preceding paragraph.

Any Contracting State may, by way of reservation, declare that it will not apply the second paragraph of this Article.

Article 17

In the Convention the word “law” means the rules of law in force in a State other than its rules of conflict of laws.

Article 18

The provisions of the Convention may be disregarded when their application would be manifestly incompatible with public policy (*ordre public*).

habituelle du *trustee*, sont rattachés plus étroitement à des États qui ne connaissent pas l’institution du trust ou la catégorie de trust en cause.

Article 14

La Convention ne fait pas obstacle à l’application de règles de droit plus favorables à la reconnaissance d’un trust.

CHAPITRE IV DISPOSITIONS GÉNÉRALES

Article 15

La Convention ne fait pas obstacle à l’application des dispositions de la loi désignée par les règles de conflit du for lorsqu’il ne peut être dérogé à ces dispositions par une manifestation de volonté, notamment dans les matières suivantes :

- a) la protection des mineurs et des incapables;
- b) les effets personnels et patrimoniaux du mariage;
- c) les testaments et la dévolution des successions, spécialement la réserve;
- d) le transfert de propriété et les sûretés réelles;
- e) la protection des créanciers en cas d’insolvabilité;
- f) la protection des tiers de bonne foi à d’autres égards.

Lorsque les dispositions du paragraphe précédent font obstacle à la reconnaissance du trust, le juge s’efforcera de donner effet aux objectifs du trust par d’autres moyens juridiques.

Article 16

La Convention ne porte pas atteinte aux dispositions de la loi du for dont l’application s’impose même aux situations internationales quelle que soit la loi désignée par les règles de conflit de lois.

À titre exceptionnel, il peut également être donné effet aux règles de même nature d’un autre État qui présente avec l’objet du litige un lien suffisamment étroit.

Tout État contractant pourra déclarer, par une réserve, qu’il n’appliquera pas la disposition du deuxième alinéa du présent article.

Article 17

Au sens de la Convention, le terme «loi» désigne les règles de droit en vigueur dans un État à l’exclusion des règles de conflit de lois.

Article 18

Les dispositions de la Convention peuvent être écartées si leur application est manifestement incompatible avec l’ordre public.

Article 19

Nothing in the Convention shall prejudice the powers of States in fiscal matters.

Article 20

Any Contracting State may, at any time, declare that the provisions of the Convention will be extended to trusts declared by judicial decisions.

This declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and will come into effect on the day when this notification is received.

Article 31 is applicable to the withdrawal of this declaration in the same way as it applies to a denunciation of the Convention.

Article 21

Any Contracting State may reserve the right to apply the provisions of Chapter III only to trusts the validity of which is governed by the law of a Contracting State.

Article 22

The Convention applies to trusts regardless of the date on which they were created.

However, a Contracting State may reserve the right not to apply the Convention to trusts created before the date on which, in relation to that State, the Convention enters into force.

Article 23

For the purpose of identifying the law applicable under the Convention, where a State comprises several territorial units each of which has its own rules of law in respect of trusts, any reference to the law of that State is to be construed as referring to the law in force in the territorial unit in question.

Article 24

A State within which different territorial units have their own rules of law in respect of trusts is not bound to apply the Convention to conflicts solely between the laws of such units.

Article 25

The Convention shall not affect any other international instrument containing provisions on matters governed by this Convention to which a Contracting State is, or becomes, a Party.

CHAPTER V
FINAL CLAUSES

Article 26

Any State may, at the time of signature, ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 29, make the reservations provided for in Articles 16, 21 and 22.

Article 19

La Convention ne porte pas atteinte à la compétence des États en matière fiscale.

Article 20

Tout État contractant pourra, à tout moment, déclarer que les dispositions de la Convention seront étendues aux trusts créés par une décision de justice.

Cette déclaration sera notifiée au Ministère des Affaires Étrangères du Royaume des Pays-Bas et prendra effet le jour de la réception de cette notification.

L'article 31 est applicable par analogie au retrait de cette déclaration.

Article 21

Tout État contractant pourra se réserver le droit de n'appliquer les dispositions du chapitre III qu'aux trusts dont la validité est régie par la loi d'un État contractant.

Article 22

La Convention est applicable quelle que soit la date à laquelle le trust a été créé.

Toutefois, un État contractant pourra se réserver le droit de ne pas appliquer la Convention à un trust créé avant la date de l'entrée en vigueur de la Convention pour cet État.

Article 23

À l'effet de déterminer la loi applicable selon la Convention, lorsqu'un État comprend plusieurs unités territoriales dont chacune a ses propres règles en matière de trust, toute référence à la loi de cet État sera considérée comme visant la loi en vigueur dans l'unité territoriale concernée.

Article 24

Un État dans lequel différentes unités territoriales ont leurs propres règles de droit en matière de trust n'est pas tenu d'appliquer la Convention aux conflits de lois intéressant uniquement ces unités territoriales.

Article 25

La Convention ne déroge pas aux instruments internationaux auxquels un État contractant est ou sera Partie et qui contiennent des dispositions sur les matières réglées par la présente Convention.

CHAPITRE V
CLAUSES FINALES

Article 26

Tout État, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, ou au moment d'une déclaration faite en vertu de l'article 29, pourra faire les réserves prévues aux articles 16, 21 et 22.

No other reservation shall be permitted.

Any Contracting State may at any time withdraw a reservation which it has made; the reservation shall cease to have effect on the first day of the third calendar month after notification of the withdrawal.

Article 27

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fifteenth Session.

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 28

Any other State may accede to the Convention after it has entered into force in accordance with Article 30, paragraph 1.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the twelve months after the receipt of the notification referred to in Article 32. Such an objection may also be raised by Member States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 29

If a State has two or more territorial units in which different systems of law are applicable, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all of its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

If a State makes no declaration under this Article, the Convention is to extend to all territorial units of that State.

Article 30

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 27.

Aucune autre réserve ne sera admise.

Tout État contractant pourra, à tout moment, retirer une réserve qu'il aura faite; l'effet de la réserve cessera le premier jour du troisième mois du calendrier après la notification du retrait.

Article 27

La Convention est ouverte à la signature des États qui étaient Membres de la Conférence de La Haye de droit international privé lors de sa Quinzième session.

Elle sera ratifiée, acceptée ou approuvée et les instruments de ratification, d'acceptation ou d'approbation seront déposés auprès du Ministère des Affaires Étrangères du Royaume des Pays-Bas.

Article 28

Tout autre État pourra adhérer à la Convention après son entrée en vigueur en vertu de l'article 30, alinéa premier.

L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Étrangères du Royaume des Pays-Bas.

L'adhésion n'aura d'effet que dans les rapports entre l'État adhérent et les États contractants qui n'auront pas élevé d'objection à son encontre dans les douze mois après la réception de la notification prévue à l'article 32. Une telle objection pourra également être élevée par tout État Membre au moment d'une ratification, acceptation ou approbation de la Convention, ultérieure à l'adhésion. Ces objections seront notifiées au Ministère des Affaires Étrangères du Royaume des Pays-Bas.

Article 29

Un État qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent pourra, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles, et pourra à tout moment modifier cette déclaration en faisant une nouvelle déclaration.

Ces déclarations seront notifiées au Ministère des Affaires Étrangères du Royaume des Pays-Bas et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

Si un État ne fait pas de déclaration en vertu du présent article, la Convention s'appliquera à l'ensemble du territoire de cet État.

Article 30

La Convention entrera en vigueur le premier jour du troisième mois du calendrier après le dépôt du troisième instrument de ratification, d'acceptation ou d'approbation prévu par l'article 27.

Thereafter the Convention shall enter into force –

- a) for each State ratifying, accepting or approving it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance or approval;
- b) for each acceding State, on the first day of the third calendar month after the expiry of the period referred to in Article 28;
- c) for a territorial unit to which the Convention has been extended in conformity with Article 29, on the first day of the third calendar month after the notification referred to in that Article.

Article 31

Any Contracting State may denounce this Convention by a formal notification in writing addressed to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

The denunciation takes effect on the first day of the month following the expiration of six months after the notification is received by the depositary or on such later date as is specified in the notification.

Article 32

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications, acceptances or approvals referred to in Article 27;
- b) the date on which the Convention enters into force in accordance with Article 30;
- c) the accessions and the objections raised to accessions referred to in Article 28;
- d) the extensions referred to in Article 29;
- e) the declarations referred to in Article 20;
- f) the reservation or withdrawals referred to in Article 26;
- g) the denunciations referred to in Article 31.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the first day of July, 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fifteenth Session.

Par la suite, la Convention entrera en vigueur :

- a) pour chaque État ratifiant, acceptant ou approuvant postérieurement, le premier jour du troisième mois du calendrier après le dépôt de son instrument de ratification, d'acceptation ou d'approbation;
- b) pour tout État adhérent, le premier jour du troisième mois du calendrier après l'expiration du délai visé à l'article 28;
- c) pour les unités territoriales auxquelles la Convention a été étendue conformément à l'article 29, le premier jour du troisième mois du calendrier après la notification visée dans cet article.

Article 31

Tout État contractant pourra dénoncer la présente Convention par une notification formelle adressée par écrit au Ministère des Affaires Étrangères du Royaume des Pays-Bas, dépositaire de la Convention.

La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de réception de la notification par le dépositaire, ou à toute autre date ultérieure spécifiée dans la notification.

Article 32

Le Ministère des Affaires Étrangères du Royaume des Pays-Bas notifiera aux États Membres de la Conférence, ainsi qu'aux États qui auront adhéré conformément aux dispositions de l'article 28 :

- a) les signatures, ratifications, acceptations et approbations visées à l'article 27;
- b) la date à laquelle la Convention entrera en vigueur conformément aux dispositions de l'article 30;
- c) les adhésions et les objections aux adhésions visées à l'article 28;
- d) les extensions visées à l'article 29;
- e) les déclarations visées à l'article 20;
- f) les réserves ou les retraits de réserve prévus à l'article 26;
- g) les dénonciations visées à l'article 31.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le premier juillet 1985, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des États Membres de la Conférence de La Haye de droit international privé lors de sa Quinzième session.

SCHEDULE 8 INTERNATIONAL SALE OF GOODS ACT AMENDMENTS

International Sale of Goods Act

1. The title of the *International Sale of Goods Act* is repealed and the following substituted:

International Sales Conventions Act

2. Sections 1 to 6 of the Act are repealed and the following substituted:

Definitions and interpretation

Definitions

1. (1) In this Act,

“Amended Limitation Convention” means the Convention referred to in subsection 3 (3); (“Convention modifiée sur la prescription”)

“Limitation Convention” means the Convention referred to in subsection 3 (2); (“Convention sur la prescription”)

“Protocol” means the Protocol amending the Convention on the Limitation Period in the International Sale of Goods that was opened for signature at Vienna on April 11, 1980, set out in Schedule 4. (“Protocole”)

Interpretation

(2) All words and expressions used in this Act have the same meaning as the corresponding words and expressions used in the Conventions set out in Schedules 1 to 3.

Inconsistency

2. In the event of any inconsistency between this Act and any other law, this Act prevails to the extent of the inconsistency.

Application of Conventions

Sales Convention

3. (1) The United Nations Convention on Contracts for the International Sale of Goods that was opened for signature at Vienna on April 11, 1980, set out in Schedule 1, has force of law in Ontario.

Limitation Convention

(2) The Convention on the Limitation Period in the International Sale of Goods that was opened for signature at New York on June 14, 1974, set out in Schedule 2, has force of law in Ontario on and after the day it enters into force in accordance with Article 44 of the Convention.

Amended Limitation Convention

(3) The Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol, prepared in accordance with Article XIV of the Protocol and set out in Schedule 3, has force of law in Ontario on and after the day it enters into force in accordance with Article 44 of the Convention.

ANNEXE 8 MODIFICATIONS DE LA LOI SUR LA VENTE INTERNATIONALE DE MARCHANDISES

Loi sur la vente internationale de marchandises

1. Le titre de la *Loi sur la vente internationale de marchandises* est abrogé et remplacé par ce qui suit :

Loi sur les conventions de vente internationale

2. Les articles 1 à 6 de la Loi sont abrogés et remplacés par ce qui suit :

Définitions et interprétation

Définitions

1. (1) Les définitions qui suivent s'appliquent à la présente loi.

«Convention modifiée sur la prescription» La Convention visée au paragraphe 3 (3). («Amended Limitation Convention»)

«Convention sur la prescription» La Convention visée au paragraphe 3 (2). («Limitation Convention»)

«Protocole» Le Protocole modifiant la Convention sur la prescription en matière de vente internationale de marchandises, ouvert à la signature des États à Vienne le 11 avril 1980 et dont le texte est reproduit à l'annexe 4. («Protocol»)

Interprétation

(2) Les termes et expressions employés dans la présente loi s'entendent au sens des conventions dont le texte est reproduit aux annexes 1 à 3.

Incompatibilité

2. La présente loi l'emporte sur toute règle de droit incompatible.

Application des conventions

Convention sur les ventes

3. (1) La Convention des Nations Unies sur les contrats de vente internationale de marchandises, ouverte à la signature des États à Vienne le 11 avril 1980 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario.

Convention sur la prescription

(2) La Convention sur la prescription en matière de vente internationale de marchandises, ouverte à la signature des États à New York le 14 juin 1974 et dont le texte est reproduit à l'annexe 2, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes de l'article 44 de la Convention.

Convention modifiée sur la prescription

(3) La Convention sur la prescription en matière de vente internationale de marchandises, modifiée par le Protocole, établie conformément à l'article XIV du Protocole et dont le texte est reproduit à l'annexe 3, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes de l'article 44 de la Convention.

Which Convention applies re limitation periods

4. (1) The Amended Limitation Convention applies in respect of any State that is a Contracting Party to that Convention.

Same

(2) The Limitation Convention applies in respect of any State that is a Contracting Party to that Convention and is not a Contracting Party to the Amended Limitation Convention.

Use of extrinsic materials in interpreting Conventions re limitation periods

5. In interpreting the Amended Limitation Convention and the Limitation Convention, recourse may be had to,

- (a) the Report of the United Nations Commission on International Trade Law on the work of its 5th session (1972), UN GAOR, 27th Session, Supp. No. 17, UN Doc. A/8717; and
- (b) the Commentary on the Convention on the Limitation Period in the International Sale of Goods, UN Doc. A/CONF. 63/17.

Non-application of Convention by parties

6. The parties to a contract may,

- (a) exclude the application of a Convention set out in Schedule 1, 2 or 3 by expressly providing in the contract that the Convention does not apply to the contract; or
- (b) otherwise exclude the application of a Convention set out in Schedule 1, 2 or 3, or derogate from or vary the effect of any of the Convention's provisions, in accordance with the terms of the Convention.

3. The heading to the Schedule to the Act is amended by adding "1" after "Schedule".

4. The Act is amended by adding the following Schedules:

SCHEDULE 2
CONVENTION ON THE LIMITATION PERIOD
IN THE INTERNATIONAL SALE OF GOODS

PREAMBLE

The States Parties to the present Convention,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Have agreed as follows:

Application des conventions en ce qui concerne la prescription

4. (1) La Convention modifiée sur la prescription s'applique à l'égard des États qui sont parties contractantes à cette convention.

Idem

(2) La Convention sur la prescription s'applique à l'égard des États qui sont parties contractantes à cette convention, mais ne le sont pas à la Convention modifiée sur la prescription.

Recours à des documents externes pour l'interprétation des conventions en ce qui concerne la prescription

5. Pour interpréter la Convention modifiée sur la prescription et la Convention sur la prescription, il peut être fait appel aux documents suivants :

- a) le Rapport de la Commission des Nations Unies pour le droit commercial international sur les travaux de sa 5^e session (1972), Doc. off. AG NU 27^e session, suppl. n^o 17, Doc. NU A/8717;
- b) le Commentaire relatif à la Convention sur la prescription en matière de vente internationale de marchandises, Doc. NU A/CONF.63/17.

Non-application d'une convention par les parties

6. Les parties contractantes à un contrat peuvent :

- a) exclure l'application d'une convention qui figure à l'annexe 1, 2 ou 3 en prévoyant expressément dans le contrat qu'elle ne s'applique pas à ce dernier;
- b) exclure autrement l'application d'une convention qui figure à l'annexe 1, 2 ou 3, y déroger ou en modifier les effets, selon ce que prévoient les dispositions de la convention en cause.

3. Le titre de l'annexe de la Loi est modifié par insertion de «1» après «Annexe».

4. La Loi est modifiée par adjonction des annexes suivantes :

ANNEXE 2
CONVENTION SUR LA PRESCRIPTION
EN MATIÈRE DE VENTE INTERNATIONALE
DE MARCHANDISES

PRÉAMBULE

Les États Parties à la présente Convention,

Considérant que le commerce international est un facteur important pour la promotion de relations amicales entre les États,

Estimant que l'adoption de règles uniformes régissant le délai de prescription en matière de vente internationale d'objets mobiliers corporels faciliterait le développement du commerce mondial,

Sont convenus de ce qui suit :

PART I. SUBSTANTIVE PROVISIONS

SPHERE OF APPLICATION

Article 1

1. This Convention shall determine when claims of a buyer and a seller against each other arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of time. Such period of time is hereinafter referred to as "the limitation period".

2. This Convention shall not affect a particular time-limit within which one party is required, as a condition for the acquisition or exercise of his claim, to give notice to the other party or perform any act other than the institution of legal proceedings.

3. In this Convention:

- (a) "buyer", "seller" and "party" mean persons who buy or sell, or agree to buy or sell, goods, and the successors to and assigns of their rights or obligations under the contract of sale;
- (b) "creditor" means a party who asserts a claim, whether or not such a claim is for a sum of money;
- (c) "debtor" means a party against whom a creditor asserts a claim;
- (d) "breach of contract" means the failure of a party to perform the contract or any performance not in conformity with the contract;
- (e) "legal proceedings" includes judicial, arbitral and administrative proceedings;
- (f) "person" includes corporation, company, partnership, association or entity, whether private or public, which can sue or be sued;
- (g) "writing" includes telegram and telex;
- (h) "year" means a year according to the Gregorian calendar.

Article 2

For the purposes of this Convention:

- (a) a contract of sale of goods shall be considered international if, at the time of the conclusion of the contract, the buyer and the seller have their places of business in different States;
- (b) the fact that the parties have their places of business in different States shall be disregarded whenever this fact does not appear either from the con-

TITRE I. DISPOSITIONS GÉNÉRALES

CHAMP D'APPLICATION

Article premier

1. La présente Convention détermine les conditions dans lesquelles les droits et actions réciproques d'un acheteur et d'un vendeur, issus d'un contrat de vente internationale d'objets mobiliers corporels, ou concernant une contravention à ce contrat, sa résolution ou sa nullité, ne peuvent plus être exercés en raison de l'expiration d'un certain laps de temps. Ce laps de temps est désigné dans cette convention par l'expression «de délai de prescription».

2. La présente Convention n'affecte pas un délai pendant lequel une partie doit donner notification à l'autre ou accomplir tout acte, autre que l'ouverture d'une procédure, sous peine de ne pouvoir exercer son droit.

3. Dans la présente Convention :

- a) Les termes «acheteur», «vendeur» et «partie» désignent les personnes qui achètent ou vendent ou qui sont engagées à acheter ou à vendre des objets mobiliers corporels, et les personnes qui sont leurs successeurs ou ayants cause pour les droits et les obligations découlant du contrat de vente;
- b) Le terme «créancier» désigne toute partie qui fait valoir un droit, que celui-ci ait ou non pour objet le paiement d'une somme d'argent;
- c) Le terme «débiteur» désigne toute partie contre laquelle un créancier fait valoir un droit;
- d) L'expression «contravention au contrat» s'entend de toute inexécution par une partie de ses obligations ou de toute exécution qui n'est pas conforme au contrat;
- e) Le terme «procédure» s'entend de toute procédure judiciaire, arbitrale ou administrative;
- f) Le terme «personne» doit s'entendre également de toute société, association ou entité, qu'elles soient privées ou publiques, capables d'ester en justice;
- g) Le terme «écrit» doit s'entendre également des communications adressées par télégramme ou par télex;
- h) Le terme «année» désigne une année comptée selon le calendrier grégorien.

Article 2

Aux fins de la présente Convention :

- a) Un contrat de vente d'objets mobiliers corporels est réputé avoir un caractère international si, au moment de la conclusion du contrat, l'acheteur et le vendeur ont leur établissement dans des États différents;
- b) Le fait que les parties ont leur établissement dans des États différents ne peut être pris en considération que s'il ressort du contrat ou de négociations

tract or from any dealings between, or from information disclosed by, the parties at any time before or at the conclusion of the contract;

- (c) where a party to a contract of sale of goods has places of business in more than one State, the place of business shall be that which has the closest relationship to the contract and its performance, having regard to the circumstances known to or contemplated by the parties at the time of the conclusion of the contract;
- (d) where a party does not have a place of business, reference shall be made to his habitual residence;
- (e) neither the nationality of the parties nor the civil or commercial character of the parties or of the contract shall be taken into consideration.

Article 3

1. This Convention shall apply only if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States.

2. Unless this Convention provides otherwise, it shall apply irrespective of the law which would otherwise be applicable by virtue of the rules of private international law.

3. This Convention shall not apply when the parties have expressly excluded its application.

Article 4

This Convention shall not apply to sales:

- (a) of goods bought for personal, family or household use;
- (b) by auction;
- (c) on execution or otherwise by authority of law;
- (d) of stocks, shares, investment securities, negotiable instruments or money;
- (e) of ships, vessels, or aircraft;
- (f) of electricity.

Article 5

This Convention shall not apply to claims based upon:

- (a) death of, or personal injury to, any person;
- (b) nuclear damage caused by the goods sold;
- (c) a lien, mortgage or other security interest in property;
- (d) a judgement or award made in legal proceedings;
- (e) a document on which direct enforcement or execution can be obtained in accordance with the law of the place where such enforcement or execution is sought;

entre les parties ou d'informations données par elles avant la conclusion du contrat ou à ce moment;

- c) Si une partie à un contrat de vente d'objets mobiliers corporels a des établissements dans plus d'un État, l'établissement est celui qui a la relation la plus étroite avec le contrat et son exécution eu égard aux circonstances connues des parties ou envisagées par elles au moment de la conclusion du contrat;
- d) Si une partie n'a pas d'établissement, sa résidence habituelle sera prise en considération;
- e) Ni la nationalité des parties ni la qualité ou le caractère civil ou commercial des parties ou du contrat ne sont pris en considération.

Article 3

1. La présente Convention ne s'applique que si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des États contractants.

2. Sauf disposition contraire de la présente Convention, celle-ci s'applique sans égard à la loi qui serait applicable en vertu des règles du droit international privé.

3. La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.

Article 4

La présente Convention ne régit pas les ventes :

- a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique;
- b) Aux enchères;
- c) Sur saisie ou de quelque autre manière par autorité de justice;
- d) De valeurs mobilières, effets de commerce et monnaies;
- e) De navires, bateaux et aéronefs;
- f) D'électricité.

Article 5

La présente Convention ne s'applique pas aux droits fondés sur :

- a) Tout dommage corporel ou le décès d'une personne;
- b) Tout dommage nucléaire causé par la chose vendue;
- c) Tout privilège, gage ou autre sûreté;
- d) Toute décision ou sentence arbitrale rendues à la suite d'une procédure;
- e) Tout titre exécutoire selon la loi du lieu où l'exécution est demandée;

(f) a bill of exchange, cheque or promissory note.

Article 6

1. This Convention shall not apply to contracts in which the preponderant part of the obligations of the seller consists in the supply of labour or other services.

2. Contracts for the supply of goods to be manufactured or produced shall be considered to be sales, unless the party who orders the goods undertakes to supply a substantial part of the materials necessary for such manufacture or production.

Article 7

In the interpretation and application of the provisions of this Convention, regard shall be had to its international character and to the need to promote uniformity.

THE DURATION AND COMMENCEMENT OF THE LIMITATION PERIOD

Article 8

The limitation period shall be four years.

Article 9

1. Subject to the provisions of articles 10, 11 and 12 the limitation period shall commence on the date on which the claim accrues.

2. The commencement of the limitation period shall not be postponed by:

- (a) a requirement that the party be given a notice as described in paragraph 2 of article 1, or
- (b) a provision in an arbitration agreement that no right shall arise until an arbitration award has been made.

Article 10

1. A claim arising from a breach of contract shall accrue on the date on which such breach occurs.

2. A claim arising from a defect or other lack of conformity shall accrue on the date on which the goods are actually handed over to, or their tender is refused by, the buyer.

3. A claim based on fraud committed before or at the time of the conclusion of the contract or during its performance shall accrue on the date on which the fraud was or reasonably could have been discovered.

Article 11

If the seller has given an express undertaking relating to the goods which is stated to have effect for a certain period of time, whether expressed in terms of a specific period of time or otherwise, the limitation period in respect of

f) Toute lettre de change ou tout chèque ou billet à ordre.

Article 6

1. La présente Convention ne s'applique pas aux contrats dans lesquels la partie prépondérante des obligations du vendeur consiste en une fourniture de main d'oeuvre ou d'autres services.

2. Sont assimilés aux ventes les contrats de fourniture d'objets mobiliers corporels à fabriquer ou à produire, à moins que la partie qui commande la chose n'ait à fournir une partie essentielle des éléments nécessaires à cette fabrication ou production.

Article 7

Dans l'interprétation et l'application de la présente Convention, il sera tenu compte de son caractère international et de la nécessité d'en promouvoir l'uniformité.

DURÉE ET POINT DE DÉPART DU DÉLAI DE PRESCRIPTION

Article 8

Le délai de prescription est de quatre ans.

Article 9

1. Sous réserve des dispositions des articles 10, 11 et 12, le délai de prescription court à partir de la date à laquelle l'action peut être exercée.

2. Le point de départ du délai de prescription n'est pas retardé :

- a) Lorsqu'une partie donne à l'autre partie une notification au sens du paragraphe 2 de l'article premier; ou
- b) Lorsque la convention d'arbitrage prévoit qu'aucun droit ne prendra naissance tant qu'une sentence arbitrale n'aura pas été rendue.

Article 10

1. Une action résultant d'une contravention au contrat peut être exercée à partir de la date à laquelle cette contravention s'est produite.

2. Une action fondée sur un défaut de conformité de la chose peut être exercée à partir de la date à laquelle la chose a été effectivement remise à l'acheteur ou l'offre de remise de la chose refusée par l'acheteur.

3. Une action fondée sur un dol commis avant la conclusion du contrat ou au moment de cette conclusion ou résultant d'agissements frauduleux ultérieurs peut être exercée, pour l'application de l'article 9, à partir de la date à laquelle le fait a été ou aurait raisonnablement dû être découvert.

Article 11

Si le vendeur a donné, en ce qui concerne la chose vendue, une garantie expresse valable pendant un certain laps de temps ou déterminée de toute autre manière, le délai de prescription d'une action fondée sur la garantie com-

any claim arising from the undertaking shall commence on the date on which the buyer notifies the seller of the fact on which the claim is based, but not later than on the date of the expiration of the period of the undertaking.

Article 12

1. If, in circumstances provided for by the law applicable to the contract, one party is entitled to declare the contract terminated before the time for performance is due, and exercises this right, the limitation period in respect of a claim based on any such circumstances shall commence on the date on which the declaration is made to the other party. If the contract is not declared to be terminated before performance becomes due, the limitation period shall commence on the date on which performance is due.

2. The limitation period in respect of a claim arising out of a breach by one party of a contract for the delivery of or payment for goods by instalments shall, in relation to each separate instalment, commence on the date on which the particular breach occurs. If, under the law applicable to the contract, one party is entitled to declare the contract terminated by reason of such breach, and exercises this right, the limitation period in respect of all relevant instalments shall commence on the date on which the declaration is made to the other party.

CESSATION AND EXTENSION OF THE LIMITATION PERIOD

Article 13

The limitation period shall cease to run when the creditor performs any act which, under the law of the court where the proceedings are instituted, is recognized as commencing judicial proceedings against the debtor or as asserting his claim in such proceedings already instituted against the debtor, for the purpose of obtaining satisfaction or recognition of his claim.

Article 14

1. Where the parties have agreed to submit to arbitration, the limitation period shall cease to run when either party commences arbitral proceedings in the manner provided for in the arbitration agreement or by the law applicable to such proceedings.

2. In the absence of any such provision, arbitral proceedings shall be deemed to commence on the date on which a request that the claim in dispute be referred to arbitration is delivered at the habitual residence or place of business of the other party or, if he has no such residence or place of business, then at his last known residence or place of business.

Article 15

In any legal proceedings other than those mentioned in articles 13 and 14, including legal proceedings commenced upon the occurrence of:

- (a) the death or incapacity of the debtor,

commence à courir à partir de la date à laquelle l'acheteur notifie au vendeur le fait motivant l'exercice de son action et, au plus tard, à partir de la date d'expiration de la garantie.

Article 12

1. Lorsque, dans les cas prévus par la loi applicable au contrat, une partie déclare la résolution du contrat avant la date fixée pour son exécution, le délai de prescription court à partir de la date à laquelle la déclaration est adressée à l'autre partie. Si la résolution du contrat n'est pas déclarée avant la date fixée pour l'exécution, le délai de prescription ne court qu'à partir de cette date.

2. Le délai de prescription de tout droit fondé sur l'inexécution par une partie d'un contrat prévoyant des prestations ou des paiements échelonnés court, pour chacune des obligations à exécution successive, à partir de la date à laquelle l'inexécution qui les affecte s'est produite. Lorsque, d'après la loi applicable au contrat, une partie déclare la résolution du contrat en raison de cette inexécution, le délai de prescription de toutes les obligations à exécution successive court à partir de la date à laquelle la déclaration est adressée à l'autre partie.

CESSATION DU COURS ET PROLONGATION DU DÉLAI INITIAL

Article 13

Le délai de prescription cesse de courir lorsque le créancier accomplit tout acte qui, d'après la loi de la juridiction saisie, est considéré comme introductif d'une procédure judiciaire contre le débiteur. Il en est de même lorsque le créancier forme au cours d'une procédure déjà engagée une demande qui manifeste sa volonté de faire valoir son droit contre le débiteur.

Article 14

1. Lorsque les parties sont convenues de soumettre leur différend à l'arbitrage, le délai de prescription cesse de courir à partir de la date à laquelle l'une des parties engage la procédure d'arbitrage de la manière prévue par la convention d'arbitrage ou par la loi applicable à cette procédure.

2. En l'absence de toute disposition à cet égard, la procédure d'arbitrage est réputée engagée à la date à laquelle la demande d'arbitrage est notifiée à la résidence habituelle ou à l'établissement de l'autre partie ou, à défaut, à sa dernière résidence ou son dernier établissement connus.

Article 15

Dans toute procédure autre que celles prévues aux articles 13 et 14, le délai de prescription cesse de courir lorsque le créancier fait valoir son droit afin d'en obtenir la reconnaissance ou l'exécution, sous réserve des dispositions de la loi régissant cette procédure.

- (b) the bankruptcy or any state of insolvency affecting the whole of the property of the debtor, or
- (c) the dissolution or liquidation of a corporation, company, partnership, association or entity when it is the debtor,

the limitation period shall cease to run when the creditor asserts his claim in such proceedings for the purpose of obtaining satisfaction or recognition of the claim, subject to the law governing the proceedings.

Article 16

For the purposes of articles 13, 14 and 15, any act performed by way of counterclaim shall be deemed to have been performed on the same date as the act performed in relation to the claim against which the counterclaim is raised, provided that both the claim and the counterclaim relate to the same contract or to several contracts concluded in the course of the same transaction.

Article 17

1. Where a claim has been asserted in legal proceedings within the limitation period in accordance with article 13, 14, 15 or 16, but such legal proceedings have ended without a decision binding on the merits of the claim, the limitation period shall be deemed to have continued to run.

2. If, at the time such legal proceedings ended, the limitation period has expired or has less than one year to run, the creditor shall be entitled to a period of one year from the date on which the legal proceedings ended.

Article 18

1. Where legal proceedings have been commenced against one debtor, the limitation period prescribed in this Convention shall cease to run against any other party jointly and severally liable with the debtor, provided that the creditor informs such party in writing within that period that the proceedings have been commenced.

2. Where legal proceedings have been commenced by a subpurchaser against the buyer, the limitation period prescribed in this Convention shall cease to run in relation to the buyer's claim over against the seller, if the buyer informs the seller in writing within that period that the proceedings have been commenced.

3. Where the legal proceedings referred to in paragraphs 1 and 2 of this article have ended, the limitation period in respect of the claim of the creditor or the buyer against the party jointly and severally liable or against the seller shall be deemed not to have ceased running by virtue of paragraphs 1 and 2 of this article, but the creditor or the buyer shall be entitled to an additional year from the date on which the legal proceedings ended, if at that time the limitation period had expired or had less than one year to run.

Article 19

Where the creditor performs, in the State in which the debtor has his place of business and before the expiration of the limitation period, any act, other than the acts de-

Il en est ainsi notamment des procédures introduites à l'occasion :

- a) Du décès ou de l'incapacité du débiteur;
- b) De la faillite ou de toute situation d'insolvabilité concernant l'ensemble des biens du débiteur; ou
- c) De la dissolution ou de la liquidation d'une société, association ou entité lorsque celle-ci est le débiteur.

Article 16

Aux fins des articles 13, 14 et 15, une demande reconventionnelle est considérée comme ayant été introduite à la même date que l'acte relatif au droit auquel elle est opposée, à condition que tant la demande principale que la demande reconventionnelle dérivent du même contrat ou de plusieurs contrats conclus au cours de la même opération.

Article 17

1. Lorsqu'une procédure a été introduite conformément aux articles 13, 14, 15 ou 16 avant l'expiration du délai de prescription, celui-ci est réputé avoir continué de courir si la procédure s'est terminée sans qu'une décision ait été rendue sur le fond de l'affaire.

2. Lorsqu'à la fin de cette procédure, le délai de prescription était expiré ou devait expirer dans moins d'un an, le créancier bénéficie d'un délai d'un an à partir de la fin de la procédure.

Article 18

1. Une procédure introduite contre un débiteur fait cesser le cours de la prescription à l'égard d'un codébiteur solidaire si le créancier informe ce dernier par écrit de l'introduction de la procédure avant l'expiration du délai de prescription prévu dans la présente Convention.

2. Lorsqu'une procédure est introduite par un sous-acquéreur contre l'acheteur, le délai de prescription prévu dans la présente Convention cesse de courir, quant au recours de l'acheteur contre le vendeur, si l'acheteur a informé par écrit le vendeur, avant l'expiration dudit délai, de l'introduction de la procédure.

3. Lorsque la procédure visée aux paragraphes 1 et 2 du présent article s'est terminée, le délai de prescription du recours du créancier ou de l'acheteur contre le débiteur solidaire ou contre le vendeur est réputé ne pas avoir cessé de courir en vertu des paragraphes 1 et 2 du présent article; le créancier ou l'acheteur dispose toutefois d'un délai supplémentaire d'un an à partir de la date à laquelle la procédure s'est terminée, si à ce moment-là le délai de prescription est venu à expiration ou s'il lui reste moins d'un an à courir.

Article 19

Lorsque le créancier accomplit, dans l'État où le débiteur a son établissement et avant l'expiration du délai de prescription, un acte autre que ceux prévus aux articles 13, 14,

scribed in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence on the date prescribed by that law.

Article 20

1. Where the debtor, before the expiration of the limitation period, acknowledges in writing his obligation to the creditor, a new limitation period of four years shall commence to run from the date of such acknowledgement.

2. Payment of interest or partial performance of an obligation by the debtor shall have the same effect as an acknowledgement under paragraph (1) of this article if it can reasonably be inferred from such payment or performance that the debtor acknowledges that obligation.

Article 21

Where, as a result of a circumstance which is beyond the control of the creditor and which he could neither avoid nor overcome, the creditor has been prevented from causing the limitation period to cease to run, the limitation period shall be extended so as not to expire before the expiration of one year from the date on which the relevant circumstance ceased to exist.

MODIFICATION OF THE LIMITATION PERIOD BY THE PARTIES

Article 22

1. The limitation period cannot be modified or affected by any declaration or agreement between the parties, except in the cases provided for in paragraph (2) of this article.

2. The debtor may at any time during the running of the limitation period extend the period by a declaration in writing to the creditor. This declaration may be renewed.

3. The provisions of this article shall not affect the validity of a clause in the contract of sale which stipulates that arbitral proceedings shall be commenced within a shorter period of limitation than that prescribed by this Convention, provided that such clause is valid under the law applicable to the contract of sale.

GENERAL LIMIT OF THE LIMITATION PERIOD

Article 23

Notwithstanding the provisions of this Convention, a limitation period shall in any event expire not later than ten years from the date on which it commenced to run under articles 9, 10, 11 and 12 of this Convention.

CONSEQUENCES OF THE EXPIRATION OF THE LIMITATION PERIOD

Article 24

Expiration of the limitation period shall be taken into con-

sideration in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence to run from the date of such acknowledgement.

Article 20

1. Lorsque, avant l'expiration du délai de prescription, le débiteur reconnaît par écrit son obligation envers le créancier, un nouveau délai de prescription de quatre ans commence à courir à partir de ladite reconnaissance.

2. Le paiement des intérêts ou l'exécution partielle d'une obligation par le débiteur a le même effet pour l'application du paragraphe 1 du présent article qu'une reconnaissance, s'il peut raisonnablement être déduit de ce paiement ou de cette exécution que le débiteur reconnaît son obligation.

Article 21

Lorsqu'en raison de circonstances qui ne lui sont pas imputables et qu'il ne pouvait ni éviter ni surmonter, le créancier est dans l'impossibilité de faire cesser le cours de la prescription, le délai est prolongé d'un an à partir du moment où lesdites circonstances ont cessé d'exister.

MODIFICATION DU DÉLAI DE PRESCRIPTION PAR LES PARTIES

Article 22

1. Le délai de prescription ne peut être modifié, ni son cours changé, par une déclaration des parties ou par voie d'accord entre elles, sauf dans les cas prévus au paragraphe 2.

2. Le débiteur peut à tout moment, pendant le cours du délai de prescription, prolonger ce délai par une déclaration écrite adressée au créancier. Cette déclaration peut être renouvelée.

3. Les dispositions du présent article n'affectent pas la validité de toute clause du contrat de vente stipulant que la procédure d'arbitrage peut être engagée dans un délai de prescription plus bref que celui qui est prévu par la présente Convention, à condition que ladite clause soit valable au regard de la loi applicable au contrat de vente.

LIMITATION GÉNÉRALE DU DÉLAI DE PRESCRIPTION

Article 23

Nonobstant les dispositions de la présente Convention, tout délai de prescription expire dix ans au plus tard après la date à laquelle il a commencé à courir conformément aux articles 9, 10, 11 et 12 de la présente Convention.

EFFETS DE L'EXPIRATION DU DÉLAI DE PRESCRIPTION

Article 24

L'expiration du délai de prescription n'est prise en consi-

sideration in any legal proceedings only if invoked by a party to such proceedings.

Article 25

1. Subject to the provisions of paragraph (2) of this article and of article 24, no claim shall be recognized or enforced in any legal proceedings commenced after the expiration of the limitation period.

2. Notwithstanding the expiration of the limitation period, one party may rely on his claim as a defence or for the purpose of set-off against a claim asserted by the other party, provided that in the latter case this may only be done:

- (a) if both claims relate to the same contract or to several contracts concluded in the course of the same transaction; or
- (b) if the claims could have been set-off at any time before the expiration of the limitation period.

Article 26

Where the debtor performs his obligation after the expiration of the limitation period, he shall not on that ground be entitled in any way to claim restitution even if he did not know at the time when he performed his obligation that the limitation period had expired.

Article 27

The expiration of the limitation period with respect to a principal debt shall have the same effect with respect to an obligation to pay interest on that debt.

CALCULATION OF THE PERIOD

Article 28

1. The limitation period shall be calculated in such a way that it shall expire at the end of the day which corresponds to the date on which the period commenced to run. If there is no such corresponding date, the period shall expire at the end of the last day of the last month of the limitation period.

2. The limitation period shall be calculated by reference to the date of the place where the legal proceedings are instituted.

Article 29

Where the last day of the limitation period falls on an official holiday or other *dies non juridicus* precluding the appropriate legal action in the jurisdiction where the creditor institutes legal proceedings or asserts a claim as envisaged in article 13, 14 or 15, the limitation period shall be extended so as not to expire until the end of the first day following that official holiday or *dies non juridicus* on which such proceedings could be instituted or on which such a claim could be asserted in that jurisdiction.

INTERNATIONAL EFFECT

Article 30

The acts and circumstances referred to in articles 13

dération dans toute procédure que si elle est invoquée par la partie intéressée.

Article 25

1. Sous réserve des dispositions du paragraphe 2 du présent article et de celles de l'article 24, aucun droit n'est reconnu ni rendu exécutoire dans aucune procédure entamée après l'expiration du délai de prescription.

2. Nonobstant l'expiration du délai de prescription, une partie peut invoquer un droit et l'opposer à l'autre partie comme moyen de défense ou de compensation, à condition dans ce dernier cas :

- a) Que les deux créances soient nées du même contrat ou de plusieurs contrats conclus au cours de la même transaction; ou
- b) Que les créances aient pu faire l'objet d'une compensation à un moment quelconque avant l'expiration du délai de prescription.

Article 26

Si le débiteur exécute son obligation après l'expiration du délai de prescription, il n'a pas le droit de demander la restitution, même s'il ignorait au moment de l'exécution de son obligation que le délai de prescription était expiré.

Article 27

L'expiration du délai de prescription quant au principal de la dette a le même effet quant aux intérêts de celle-ci.

CALCUL DU DÉLAI DE PRESCRIPTION

Article 28

1. Le délai de prescription est calculé de manière à expirer à minuit le jour dont la date correspond à celle à laquelle le délai a commencé à courir. À défaut de date correspondante, le délai de prescription expiré à minuit le dernier jour du dernier mois du terme.

2. Le délai de prescription est calculé par référence à la date du lieu où la procédure est engagée.

Article 29

Si le dernier jour du délai de prescription est un jour férié ou tout autre jour de vacances judiciaires mettant obstacle à ce que la procédure soit entamée dans la juridiction où le créancier engage une procédure judiciaire ou revendique un droit comme prévu aux articles 13, 14 ou 15, le délai de prescription est prolongé de façon à englober le premier jour utile qui suit ledit jour férié ou jour de vacances judiciaires.

EFFET INTERNATIONAL

Article 30

Aux fins de la présente Convention, les actes et circons-

through 19 which have taken place in one Contracting State shall have effect for the purposes of this Convention in another Contracting State, provided that the creditor has taken all reasonable steps to ensure that the debtor is informed of the relevant act or circumstances as soon as possible.

PART II. IMPLEMENTATION

Article 31

1. If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Secretary-General of the United Nations and shall state expressly the territorial units to which the Convention applies.

3. If a Contracting State described in paragraph (1) of this article makes no declaration at the time of signature, ratification or accession, the Convention shall have effect within all territorial units of that State.

Article 32

Where in this Convention reference is made to the law of a State in which different systems of law apply, such reference shall be construed to mean the law of the particular legal system concerned.

Article 33

Each Contracting State shall apply the provisions of this Convention to contracts concluded on or after the date of the entry into force of this Convention.

PART III. DECLARATIONS AND RESERVATIONS

Article 34

Two or more Contracting States may at any time declare that contracts of sale between a seller having a place of business in one of these States and a buyer having a place of business in another of these States shall not be governed by this Convention, because they apply to the matters governed by this Convention the same or closely related legal rules.

Article 35

A Contracting State may declare, at the time of the deposit of its instrument of ratification or accession, that it will not apply the provisions of this Convention to actions for annulment of the contract.

tances prévus aux articles 13 à 19 qui ont été accomplis ou se sont réalisés dans un État contractant produiront leur plein effet dans un autre État contractant, à condition que le créancier ait fait toute diligence pour que le débiteur en soit informé à bref délai.

TITRE II. MESURES D'APPLICATION

Article 31

1. Tout État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles, selon sa constitution, des systèmes de droit différents s'appliquent dans les matières régies par la présente Convention pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou plusieurs d'entre elles et pourra à tout moment amender cette déclaration en faisant une nouvelle déclaration.

2. Ces déclarations seront communiquées au Secrétaire général de l'Organisation des Nations Unies et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

3. Si un État contractant mentionné au paragraphe 1 du présent article ne fait aucune déclaration lors de la signature, de la ratification ou de l'adhésion, la Convention s'appliquera à l'ensemble du territoire de cet État.

Article 32

Lorsque dans la présente Convention, il est fait référence à la loi d'un État dans lequel s'appliquent des systèmes juridiques différents, cette référence sera interprétée comme renvoyant à la loi du système juridique qui est concerné.

Article 33

Chaque État contractant appliquera les dispositions de la présente Convention aux contrats qui ont été conclus à partir de l'entrée en vigueur de la Convention.

TITRE III. DÉCLARATIONS ET RÉSERVES

Article 34

Deux ou plusieurs États contractants peuvent déclarer à tout moment que les contrats de vente conclus entre des vendeurs ayant leur établissement sur le territoire d'un de ces États et des acheteurs ayant leur établissement sur le territoire d'un autre de ces États ne seront pas régis par la présente Convention parce que, sur les matières qu'elle tranche, ils appliquent des règles juridiques identiques ou voisines.

Article 35

Tout État contractant peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'appliquera pas les dispositions de la présente Convention aux actions en annulation du contrat.

Article 36

Any State may declare, at the time of the deposit of its instrument of ratification or accession, that it shall not be compelled to apply the provisions of article 24 of this Convention.

Article 37

This Convention shall not prevail over conventions already entered into or which may be entered into and which contain provisions concerning the matters covered by this Convention, provided that the seller and buyer have their places of business in States parties to such a convention.

Article 38

1. A Contracting State which is a party to an existing convention relating to the international sale of goods may declare, at the time of the deposit of its instrument of ratification or accession, that it will apply this Convention exclusively to contracts of international sale of goods as defined in such existing convention.

2. Such declaration shall cease to be effective on the first day of the month following the expiration of twelve months after a new convention on the international sale of goods, concluded under the auspices of the United Nations, shall have entered into force.

Article 39

No reservation other than those made in accordance with articles 34, 35, 36 and 38 shall be permitted.

Article 40

1. Declarations made under this Convention shall be addressed to the Secretary-General of the United Nations and shall take effect simultaneously with the entry of this Convention into force in respect of the State concerned, except declarations made thereafter. The latter declarations shall take effect on the first day of the month following the expiration of six months after the date of their receipt by the Secretary-General of the United Nations.

2. Any State which has made a declaration under this Convention may withdraw it at any time by a notification addressed to the Secretary-General of the United Nations. Such withdrawal shall take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the Secretary-General of the United Nations. In the case of a declaration made under article 34 of this Convention, such withdrawal shall also render inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

Article 36

Tout État peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'est pas tenu d'appliquer les dispositions de l'article 24 de la présente Convention.

Article 37

La présente Convention ne déroge pas aux conventions déjà conclues ou à conclure et qui contiennent des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des États parties à l'une de ces conventions.

Article 38

1. Tout État contractant qui est partie à une convention existante relative à la vente internationale d'objets mobiliers corporels peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il appliquera la présente Convention exclusivement aux contrats de vente internationale d'objets mobiliers corporels définis dans cette convention existante.

2. Cette déclaration cessera d'avoir effet le premier jour du mois suivant l'expiration d'une période de douze mois après qu'une nouvelle convention sur la vente internationale d'objets mobiliers corporels, conclue sous les auspices de l'Organisation des Nations Unies, sera entrée en vigueur.

Article 39

Aucune autre réserve autre que celles faites conformément aux articles 34, 35, 36 et 38 de la présente Convention n'est autorisée.

Article 40

1. Les déclarations faites en application de la présente Convention seront adressées au Secrétaire général de l'Organisation des Nations Unies et prendront effet à la date d'entrée en vigueur de la présente Convention à l'égard de l'État déclarant. Les déclarations faites postérieurement à cette entrée en vigueur prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de leur réception par le Secrétaire général de l'Organisation des Nations Unies.

2. Tout État ayant fait une déclaration en vertu de la présente Convention peut à tout moment la retirer par une notification adressée au Secrétaire général de l'Organisation des Nations Unies. Ce retrait prend effet le premier jour du mois suivant l'expiration d'une période de six mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification. Dans le cas d'une déclaration faite en vertu de l'article 34, elle rendra également caduque, à partir de sa prise d'effet, toute déclaration réciproque faite par un autre État en vertu de ce même article.

PART IV. FINAL CLAUSES

Article 41

This Convention shall be open until 31 December 1975 for signature by all States at the Headquarters of the United Nations.

Article 42

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 43

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 44

1. This Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, this Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification or accession.

Article 45

1. Any Contracting State may denounce this Convention by notifying the Secretary-General of the United Nations to that effect.

2. The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the Secretary-General of the United Nations.

Article 46

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

SCHEDULE 3
CONVENTION ON THE LIMITATION PERIOD IN
THE INTERNATIONAL SALE OF GOODS AS
AMENDED BY THE PROTOCOL

INTRODUCTORY NOTE

1. The Convention on the Limitation Period in the International Sale of Goods (hereinafter called the 1974 Limitation Convention) was concluded at New York on 14 June 1974. A Protocol to the 1974 Limitation Convention (hereinafter called the 1980 Protocol) was concluded at Vienna on 11 April 1980.

TITRE IV. DISPOSITIONS FINALES

Article 41

La présente Convention sera ouverte à la signature de tous les États, au Siège de l'Organisation des Nations Unies, jusqu'au 31 décembre 1975.

Article 42

La présente Convention est soumise à ratification. Les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43

La présente Convention restera ouverte à l'adhésion de tout État. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 44

1. La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt du dixième instrument de ratification ou d'adhésion.

2. Pour chacun des États qui ratifieront la Convention ou y adhéreront après le dépôt du dixième instrument de ratification ou d'adhésion, la Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt par cet État de son instrument de ratification ou d'adhésion.

Article 45

1. Chaque État contractant pourra dénoncer la présente Convention par notification adressée à cet effet au Secrétaire général de l'Organisation des Nations Unies.

2. La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification.

Article 46

L'original de la présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

ANNEXE 3
CONVENTION SUR LA PRESCRIPTION EN
MATIÈRE DE VENTE INTERNATIONALE DE
MARCHANDISES MODIFIÉE PAR LE PROTOCOLE

NOTE LIMINAIRE

1. La Convention sur la prescription en matière de vente internationale de marchandises (ci-après appelée la Convention de 1974 sur la prescription) a été conclue à New York le 14 juin 1974. Un protocole modifiant la Convention de 1974 sur la prescription (ci-après appelé le Protocole de 1980) a été conclu à Vienne le 11 avril 1980.

2. The 1974 Limitation Convention and the 1980 Protocol both entered into force on 1 August 1988, in accordance with articles 44 (1) of the 1974 Limitation Convention and IX (1) of the 1980 Protocol.

3. In accordance with article XIV (2) of the 1980 Protocol, the text of the 1974 Limitation Convention as amended by the 1980 Protocol has been prepared by the Secretary-General and will be found hereinafter.

4. The present text includes the relevant amendments to the articles of the 1974 Limitation Convention, as provided for by the 1980 Protocol. For ease of reference, the text of the original provisions of the 1974 Limitation Convention which have been amended by the 1980 Protocol are reproduced in footnotes. The present text also incorporates substantive provisions (final clauses) of the 1980 Protocol as required, including editorial additions. The relevant articles of the 1980 Protocol which have been incorporated in the present text of the 1974 Limitation Convention as amended have, for clarity, been assigned *bis* numbers with the indication in parenthesis of the corresponding number of the 1980 Protocol.

PREAMBLE

The States Parties to the present Convention,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Have agreed as follows:

PART I. SUBSTANTIVE PROVISIONS

SPHERE OF APPLICATION

Article 1

1. This Convention shall determine when claims of a buyer and a seller against each other arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of time. Such a period of time is hereinafter referred to as "the limitation period".

2. This Convention shall not affect a particular time-limit within which one party is required, as a condition for the acquisition or exercise of his claim, to give notice to the other party or perform any act other than the institution of legal proceedings.

3. In this Convention:

- (a) "buyer", "seller" and "party" mean persons who buy or sell, or agree to buy or sell, goods, and the

2. La Convention de 1974 sur la prescription et le Protocole de 1980 sont tous deux entrés en vigueur le 1^{er} août 1988, en application du paragraphe 1 de l'article 44 de la Convention de 1974 sur la prescription et du paragraphe 1 de l'article IX du Protocole de 1980.

3. Conformément au paragraphe 2 de l'article XIV du Protocole de 1980, le texte de la Convention de 1974 sur la prescription, tel que modifié par le Protocole de 1980, a été établi par le Secrétaire général et figure ci-après.

4. Les modifications des articles de la Convention de 1974 sur la prescription prévues par le Protocole de 1980 ont été incorporées au présent texte. Afin de faciliter les références, le texte d'origine des dispositions de la Convention de 1974 sur la prescription qui ont été modifiées par le Protocole de 1980 est reproduit dans des notes de bas de page. Sont également incorporés dans le présent texte les dispositions de fond voulues (clauses finales) du Protocole de 1980 ainsi que des ajouts introduits pour des raisons de forme. Par souci de clarté, on a affecté des numéros *bis* aux articles du Protocole de 1980 qui ont été incorporés dans le présent texte de la Convention de 1974 sur la prescription telle que modifiée, le numéro correspondant des articles du Protocole de 1980 étant indiqué entre parenthèses.

PRÉAMBULE

Les États Parties à la présente Convention,

Considérant que le commerce international est un facteur important pour la promotion de relations amicales entre les États,

Estimant que l'adoption de règles uniformes régissant le délai de prescription en matière de vente internationale d'objets mobiliers corporels faciliterait le développement du commerce mondial,

Sont convenus de ce qui suit :

TITRE I : DISPOSITIONS GÉNÉRALES

CHAMP D'APPLICATION

Article premier

1. La présente Convention détermine les conditions dans lesquelles les droits et actions réciproques d'un acheteur et d'un vendeur, issus d'un contrat de vente internationale d'objets mobiliers corporels, ou concernant une contravention à ce contrat, sa résolution ou sa nullité, ne peuvent plus être exercés en raison de l'expiration d'un certain laps de temps. Ce laps de temps est désigné dans cette convention par l'expression «le délai de prescription».

2. La présente Convention n'affecte pas un délai pendant lequel une partie doit donner notification à l'autre ou accomplir tout acte, autre que l'ouverture d'une procédure, sous peine de ne pouvoir exercer son droit.

3. Dans la présente Convention :

- a) Les termes «acheteur», «vendeur» et «partie» désignent les personnes qui achètent ou vendent ou qui

successors to and assigns of their rights or obligations under the contract of sale;

- (b) “creditor” means a party who asserts a claim, whether or not such a claim is for a sum of money;
- (c) “debtor” means a party against whom a creditor asserts a claim;
- (d) “breach of contract” means the failure of a party to perform the contract or any performance not in conformity with the contract;
- (e) “legal proceedings” includes judicial, arbitral and administrative proceedings;
- (f) “person” includes corporation, company, partnership, association or entity, whether private or public, which can sue or be sued;
- (g) “writing” includes telegram and telex;
- (h) “year” means a year according to the Gregorian calendar.

Article 2

For the purposes of this Convention:

- (a) a contract of sale of goods shall be considered international if, at the time of the conclusion of the contract, the buyer and the seller have their places of business in different States;
- (b) the fact that the parties have their places of business in different States shall be disregarded whenever this fact does not appear either from the contract or from any dealings between, or from information disclosed by, the parties at any time before or at the conclusion of the contract;
- (c) where a party to a contract of sale of goods has places of business in more than one State, the place of business shall be that which has the closest relationship to the contract and its performance, having regard to the circumstances known to or contemplated by the parties at the time of the conclusion of the contract;
- (d) where a party does not have a place of business, reference shall be made to his habitual residence;
- (e) neither the nationality of the parties nor the civil or commercial character of the parties or of the contract shall be taken into consideration.

Article 3 See footnote 1

1. This Convention shall apply only

- (a) if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States; or

sont engagées à acheter ou à vendre des objets mobiliers corporels, et les personnes qui sont leurs successeurs ou ayants cause pour les droits et les obligations découlant du contrat de vente;

- b) Le terme «créancier» désigne toute partie qui fait valoir un droit, que celui-ci ait ou non pour objet le paiement d'une somme d'argent;
- c) Le terme «débiteur» désigne toute partie contre laquelle un créancier fait valoir un droit;
- d) L'expression «contravention au contrat» s'entend de toute inexécution par une partie de ses obligations ou de toute exécution qui n'est pas conforme au contrat;
- e) Le terme «procédure» s'entend de toute procédure judiciaire, arbitrale ou administrative;
- f) Le terme «personne» doit s'entendre également de toute société, association ou entité, qu'elles soient privées ou publiques, capables d'ester en justice;
- g) Le terme «écrit» doit s'entendre également des communications adressées par télégramme ou par télex;
- h) Le terme «année» désigne une année comptée selon le calendrier grégorien.

Article 2

Aux fins de la présente Convention :

- a) Un contrat de vente d'objets mobiliers corporels est réputé avoir un caractère international si, au moment de la conclusion du contrat, l'acheteur et le vendeur ont leur établissement dans des États différents;
- b) Le fait que les parties ont leur établissement dans des États différents ne peut être pris en considération que s'il ressort du contrat ou de négociations entre les parties ou d'informations données par elles avant la conclusion du contrat ou à ce moment;
- c) Si une partie à un contrat de vente d'objets mobiliers corporels a des établissements dans plus d'un État, l'établissement est celui qui a la relation la plus étroite avec le contrat et son exécution eu égard aux circonstances connues des parties ou envisagées par elles au moment de la conclusion du contrat;
- d) Si une partie n'a pas d'établissement, sa résidence habituelle sera prise en considération;
- e) Ni la nationalité des parties ni la qualité ou le caractère civil ou commercial des parties ou du contrat ne sont pris en considération.

Article 3 Voir note infrapaginale 1

1. La présente Convention ne s'applique que :

- a) Si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des États contractants; ou

- (b) if the rules of private international law make the law of a Contracting State applicable to the contract of sale.

2. This Convention shall not apply when the parties have expressly excluded its application.

Article 4 See footnote 2

This Convention shall not apply to sales:

- (a) of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use;
- (b) by auction;
- (c) on execution or otherwise by authority of law;
- (d) of stocks, shares, investment securities, negotiable instruments or money;
- (e) of ships, vessels, hovercraft or aircraft;
- (f) of electricity.

Article 5

This Convention shall not apply to claims based upon:

- (a) death of, or personal injury to, any person;
- (b) nuclear damage caused by the goods sold;
- (c) a lien, mortgage or other security interest in property;
- (d) a judgement or award made in legal proceedings;
- (e) a document on which direct enforcement or execution can be obtained in accordance with the law of the place where such enforcement or execution is sought;
- (f) a bill of exchange, cheque or promissory note.

Article 6

1. This Convention shall not apply to contracts in which the preponderant part of the obligations of the seller consists in the supply of labour or other services.

2. Contracts for the supply of goods to be manufactured or produced shall be considered to be sales, unless the party who orders the goods undertakes to supply a substantial part of the materials necessary for such manufacture or production.

Article 7

In the interpretation and application of the provisions of this Convention, regard shall be had to its international character and to the need to promote uniformity.

- (b) Si les règles du droit international privé rendent applicable au contrat de vente la loi d'un État contractant.

2. La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.

Article 4 Voir note infrapaginale 2

La présente Convention ne régit pas les ventes :

- a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique, à moins que le vendeur, à un moment quelconque avant la conclusion ou lors de la conclusion du contrat, n'ait pas su et n'ait pas été censé savoir que ces objets étaient achetés pour un tel usage;
- b) Aux enchères;
- c) Sur saisie ou de quelque autre manière par autorité de justice;
- d) De valeurs mobilières, effets de commerce et monnaies;
- e) De navires, bateaux, aéroglisseurs et aéronefs;
- f) D'électricité.

Article 5

La présente Convention ne s'applique pas aux droits fondés sur :

- a) Tout dommage corporel ou le décès d'une personne;
- b) Tout dommage nucléaire causé par la chose vendue;
- c) Tout privilège, gage ou autre sûreté;
- d) Toute décision ou sentence arbitrale rendues à la suite d'une procédure;
- e) Tout titre exécutoire selon la loi du lieu où l'exécution est demandée;
- f) Toute lettre de change ou tout chèque ou billet à ordre.

Article 6

1. La présente Convention ne s'applique pas aux contrats dans lesquels la partie prépondérante des obligations du vendeur consiste en une fourniture de main-d'œuvre ou d'autres services.

2. Sont assimilés aux ventes les contrats de fourniture d'objets mobiliers corporels à fabriquer ou à produire, à moins que la partie qui commande la chose n'ait à fournir une partie essentielle des éléments nécessaires à cette fabrication ou production.

Article 7

Dans l'interprétation et l'application de la présente Convention, il sera tenu compte de son caractère international et de la nécessité d'en promouvoir l'uniformité.

THE DURATION AND COMMENCEMENT
OF THE LIMITATION PERIOD*Article 8*

The limitation period shall be four years.

Article 9

1. Subject to the provisions of articles 10, 11 and 12 the limitation period shall commence on the date on which the claim accrues.

2. The commencement of the limitation period shall not be postponed by:

- (a) a requirement that the party be given a notice as described in paragraph 2 of article 1, or
- (b) a provision in an arbitration agreement that no right shall arise until an arbitration award has been made.

Article 10

1. A claim arising from a breach of contract shall accrue on the date on which such breach occurs.

2. A claim arising from a defect or other lack of conformity shall accrue on the date on which the goods are actually handed over to, or their tender is refused by, the buyer.

3. A claim based on fraud committed before or at the time of the conclusion of the contract or during its performance shall accrue on the date on which the fraud was or reasonably could have been discovered.

Article 11

If the seller has given an express undertaking relating to the goods which is stated to have effect for a certain period of time, whether expressed in terms of a specific period of time or otherwise, the limitation period in respect of any claim, arising from the undertaking shall commence on the date on which the buyer notifies the seller of the fact on which the claim is based, but not later than on the date of the expiration of the period of the undertaking.

Article 12

1. If, in circumstances provided for by the law applicable to the contract, one party is entitled to declare the contract terminated before the time for performance is due, and exercises this right, the limitation period in respect of a claim based on any such circumstances shall commence on the date on which the declaration is made to the other party. If the contract is not declared to be terminated before performance becomes due, the limitation period shall commence on the date on which performance is due.

2. The limitation period in respect of a claim arising out of a breach by one party of a contract for the delivery of or payment for goods by instalments shall, in relation

DURÉE ET POINT DE DÉPART DU DÉLAI
DE PRESCRIPTION*Article 8*

Le délai de prescription est de quatre ans.

Article 9

1. Sous réserve des dispositions des articles 10, 11, et 12, le délai de prescription court à partir de la date à laquelle l'action peut être exercée.

2. Le point de départ du délai de prescription n'est pas retardé :

- a) Lorsqu'une partie donne à l'autre partie une notification au sens du paragraphe 2 de l'article premier; ou
- b) Lorsque la convention d'arbitrage prévoit qu'aucun droit ne prendra naissance tant qu'une sentence arbitrale n'aura pas été rendue.

Article 10

1. Une action résultant d'une contravention au contrat peut être exercée à partir de la date à laquelle cette contravention s'est produite.

2. Une action fondée sur un défaut de conformité de la chose peut être exercée à partir de la date à laquelle la chose a été effectivement remise à l'acheteur ou l'offre de remise de la chose refusée par l'acheteur.

3. Une action fondée sur un dol commis avant la conclusion du contrat ou au moment de cette conclusion ou résultant d'agissements frauduleux ultérieurs peut être exercée, pour l'application de l'article 9, à partir de la date à laquelle le fait a été ou aurait raisonnablement dû être découvert.

Article 11

Si le vendeur a donné, en ce qui concerne la chose vendue, une garantie expresse valable pendant un certain laps de temps ou déterminée de toute autre manière, le délai de prescription d'une action fondée sur la garantie commence à courir à partir de la date à laquelle l'acheteur notifie au vendeur le fait motivant l'exercice de son action et, au plus tard, à partir de la date d'expiration de la garantie.

Article 12

1. Lorsque, dans les cas prévus par la loi applicable au contrat, une partie déclare la résolution du contrat avant la date fixée pour son exécution, le délai de prescription court à partir de la date à laquelle la déclaration est adressée à l'autre partie. Si la résolution du contrat n'est pas déclarée avant la date fixée pour l'exécution, le délai de prescription ne court qu'à partir de cette date.

2. Le délai de prescription de tout droit fondé sur l'inexécution par une partie d'un contrat prévoyant des prestations ou des paiements échelonnés court, pour cha-

to each separate instalment, commence on the date on which the particular breach occurs. If, under the law applicable to the contract, one party is entitled to declare the contract terminated by reason of such breach, and exercises this right, the limitation period in respect of all relevant instalments shall commence on the date on which the declaration is made to the other party.

CESSATION AND EXTENSION OF THE LIMITATION PERIOD

Article 13

The limitation period shall cease to run when the creditor performs any act which, under the law of the court where the proceedings are instituted, is recognized as commencing judicial proceedings against the debtor or as asserting his claim in such proceedings already instituted against the debtor, for the purpose of obtaining satisfaction or recognition of his claim.

Article 14

1. Where the parties have agreed to submit to arbitration, the limitation period shall cease to run when either party commences arbitral proceedings in the manner provided for in the arbitration agreement or by the law applicable to such proceedings.

2. In the absence of any such provision, arbitral proceedings shall be deemed to commence on the date on which a request that the claim in dispute be referred to arbitration is delivered at the habitual residence or place of business of the other party or, if he has no such residence or place of business, then at his last known residence or place of business.

Article 15

In any legal proceedings other than those mentioned in articles 13 and 14, including legal proceedings commenced upon the occurrence of:

- (a) the death or incapacity of the debtor,
- (b) the bankruptcy or any state of insolvency affecting the whole of the property of the debtor, or
- (c) the dissolution or liquidation of a corporation, company, partnership, association or entity when it is the debtor,

the limitation period shall cease to run when the creditor asserts his claim in such proceedings for the purpose of obtaining satisfaction or recognition of the claim, subject to the law governing the proceedings.

Article 16

For the purposes of articles 13, 14 and 15, any act performed by way of counterclaim shall be deemed to have been performed on the same date as the act performed in relation to the claim against which the counterclaim is raised, provided that both the claim and the counterclaim relate to the same contract or to several contracts concluded in the course of the same transaction.

cune des obligations à exécution successive, à partir de la date à laquelle l'inexécution qui les affecte s'est produite. Lorsque, d'après la loi applicable au contrat, une partie déclare la résolution du contrat en raison de cette inexécution, le délai de prescription de toutes les obligations à exécution successive court à partir de la date à laquelle la déclaration est adressée à l'autre partie.

CESSATION DU COURS ET PROLONGATION DU DÉLAI INITIAL

Article 13

Le délai de prescription cesse de courir lorsque le créancier accomplit tout acte qui, d'après la loi de la juridiction saisie, est considéré comme introductif d'une procédure judiciaire contre le débiteur. Il en est de même lorsque le créancier forme au cours d'une procédure déjà engagée une demande qui manifeste sa volonté de faire valoir son droit contre le débiteur.

Article 14

1. Lorsque les parties sont convenues de soumettre leur différend à l'arbitrage, le délai de prescription cesse de courir à partir de la date à laquelle l'une des parties engage la procédure d'arbitrage de la manière prévue par la convention d'arbitrage ou par la loi applicable à cette procédure.

2. En l'absence de toute disposition à cet égard, la procédure d'arbitrage est réputée engagée à la date à laquelle la demande d'arbitrage est notifiée à la résidence habituelle ou à l'établissement de l'autre partie ou, à défaut, à sa dernière résidence ou son dernier établissement connus.

Article 15

Dans toute procédure autre que celles prévues aux articles 13 et 14, le délai de prescription cesse de courir lorsque le créancier fait valoir son droit afin d'en obtenir la reconnaissance ou l'exécution, sous réserve des dispositions de la loi régissant cette procédure.

Il en est ainsi notamment des procédures introduites à l'occasion :

- a) Du décès ou de l'incapacité du débiteur;
- b) De la faillite ou de toute situation d'insolvabilité concernant l'ensemble des biens du débiteur; ou
- c) De la dissolution ou de la liquidation d'une société, association ou entité lorsque celle-ci est le débiteur.

Article 16

Aux fins des articles 13, 14 et 15, une demande reconventionnelle est considérée comme ayant été introduite à la même date que l'acte relatif au droit auquel elle est opposée, à condition que tant la demande principale que la demande reconventionnelle dérivent du même contrat ou de plusieurs contrats conclus au cours de la même opération.

Article 17

1. Where a claim has been asserted in legal proceedings within the limitation period in accordance with article 13, 14, 15 or 16, but such legal proceedings have ended without a decision binding on the merits of the claim, the limitation period shall be deemed to have continued to run.

2. If, at the time such legal proceedings ended, the limitation period has expired or has less than one year to run, the creditor shall be entitled to a period of one year from the date on which the legal proceedings ended.

Article 18

1. Where legal proceedings have been commenced against one debtor, the limitation period prescribed in this Convention shall cease to run against any other party jointly and severally liable with the debtor, provided that the creditor informs such party in writing within that period that the proceedings have been commenced.

2. Where legal proceedings have been commenced by a subpurchaser against the buyer, the limitation period prescribed in this Convention shall cease to run in relation to the buyer's claim over against the seller, if the buyer informs the seller in writing within that period that the proceedings have been commenced.

3. Where the legal proceedings referred to in paragraphs 1 and 2 of this article have ended, the limitation period in respect of the claim of the creditor or the buyer against the party jointly and severally liable or against the seller shall be deemed not to have ceased running by virtue of paragraphs 1 and 2 of this article, but the creditor or the buyer shall be entitled to an additional year from the date on which the legal proceedings ended, if at that time the limitation period had expired or had less than one year to run.

Article 19

Where the creditor performs, in the State in which the debtor has his place of business and before the expiration of the limitation period, any act, other than the acts described in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence on the date prescribed by that law.

Article 20

1. Where the debtor, before the expiration of the limitation period, acknowledges in writing his obligation to the creditor, a new limitation period of four years shall commence to run from the date of such acknowledgement.

2. Payment of interest or partial performance of an obligation by the debtor shall have the same effect as an acknowledgement under paragraph 1 of this article if it can reasonably be inferred from such payment or performance that the debtor acknowledges that obligation.

Article 17

1. Lorsqu'une procédure a été introduite conformément aux articles 13, 14, 15 ou 16 avant l'expiration du délai de prescription, celui-ci est réputé avoir continué de courir si la procédure s'est terminée sans qu'une décision ait été rendue sur le fond de l'affaire.

2. Lorsqu'à la fin de cette procédure, le délai de prescription est expiré ou doit expirer dans moins d'un an, le créancier bénéficie d'un délai d'un an à partir de la fin de la procédure.

Article 18

1. Une procédure introduite contre un débiteur fait cesser le cours de la prescription à l'égard d'un codébiteur solidaire si le créancier informe ce dernier par écrit de l'introduction de la procédure avant l'expiration du délai de prescription prévu dans la présente Convention.

2. Lorsqu'une procédure est introduite par un sous-acquéreur contre l'acheteur, le délai de prescription prévu dans la présente Convention cesse de courir, quant au recours de l'acheteur contre le vendeur, si l'acheteur a informé par écrit le vendeur, avant l'expiration dudit délai, de l'introduction de la procédure.

3. Lorsque la procédure visée aux paragraphes 1 et 2 du présent article s'est terminée, le délai de prescription du recours du créancier ou de l'acheteur contre le débiteur solidaire ou contre le vendeur est réputé ne pas avoir cessé de courir en vertu des paragraphes 1 et 2 du présent article; le créancier ou l'acheteur dispose toutefois d'un délai supplémentaire d'un an à partir de la date à laquelle la procédure s'est terminée, si à ce moment-là le délai de prescription est venu à expiration ou s'il lui reste moins d'un an à courir.

Article 19

Lorsque le créancier accomplit, dans l'État où le débiteur a son établissement et avant l'expiration du délai de prescription, un acte autre que ceux prévus aux articles 13, 14, 15 et 16 qui, d'après la loi de cet État, a pour effet de rouvrir un délai de prescription, un nouveau délai de quatre ans commence à courir à partir de la date fixée par cette loi.

Article 20

1. Lorsque, avant l'expiration du délai de prescription, le débiteur reconnaît par écrit son obligation envers le créancier, un nouveau délai de prescription de quatre ans commence à courir à partir de ladite reconnaissance.

2. Le paiement des intérêts ou l'exécution partielle d'une obligation par le débiteur a le même effet pour l'application du paragraphe 1 du présent article qu'une reconnaissance, s'il peut raisonnablement être déduit de ce paiement ou de cette exécution que le débiteur reconnaît son obligation.

Article 21

Where, as a result of a circumstance which is beyond the control of the creditor and which he could neither avoid nor overcome, the creditor has been prevented from causing the limitation period to cease to run, the limitation period shall be extended so as not to expire before the expiration of one year from the date on which the relevant circumstance ceased to exist.

MODIFICATION OF THE LIMITATION PERIOD
BY THE PARTIES

Article 22

1. The limitation period cannot be modified or affected by any declaration or agreement between the parties, except in the cases provided for in paragraph 2 of this article.

2. The debtor may at any time during the running of the limitation period extend the period by a declaration in writing to the creditor. This declaration may be renewed.

3. The provisions of this article shall not affect the validity of a clause in the contract of sale which stipulates that arbitral proceedings shall be commenced within a shorter period of limitation than that prescribed by this Convention, provided that such clause is valid under the law applicable to the contract of sale.

GENERAL LIMIT OF THE LIMITATION PERIOD

Article 23

Notwithstanding the provisions of this Convention, a limitation period shall in any event expire not later than ten years from the date on which it commenced to run under articles 9, 10, 11 and 12 of this Convention.

CONSEQUENCES OF THE EXPIRATION
OF THE LIMITATION PERIOD

Article 24

Expiration of the limitation period shall be taken into consideration in any legal proceedings only if invoked by a party to such proceedings.

Article 25

1. Subject to the provisions of paragraph 2 of this article and of article 24, no claim shall be recognized or enforced in any legal proceedings commenced after the expiration of the limitation period.

2. Notwithstanding the expiration of the limitation period, one party may rely on his claim as a defence or for the purpose of set-off against a claim asserted by the other party, provided that in the latter case this may only be done:

- (a) if both claims relate to the same contract or to several contracts concluded in the course of the same transaction; or
- (b) if the claims could have been set-off at any time

Article 21

Lorsqu'en raison de circonstances qui ne lui sont pas imputables et qu'il ne pouvait ni éviter ni surmonter, le créancier est dans l'impossibilité de faire cesser le cours de la prescription, le délai est prolongé d'un an à partir du moment où lesdites circonstances ont cessé d'exister.

MODIFICATION DU DÉLAI DE PRESCRIPTION
PAR LES PARTIES

Article 22

1. Le délai de prescription ne peut être modifié, ni son cours changé, par une déclaration des parties ou par voie d'accord entre elles, sauf dans les cas prévus au paragraphe 2.

2. Le débiteur peut à tout moment, pendant le cours du délai de prescription, prolonger ce délai par une déclaration écrite adressée au créancier. Cette déclaration peut être renouvelée.

3. Les dispositions du présent article n'affectent pas la validité de toute clause du contrat de vente stipulant que la procédure d'arbitrage peut être engagée dans un délai de prescription plus bref que celui qui est prévu par la présente Convention, à condition que ladite clause soit valable au regard de la loi applicable au contrat de vente.

LIMITATION GÉNÉRALE DU DÉLAI
DE PRESCRIPTION

Article 23

Nonobstant les dispositions de la présente Convention, tout délai de prescription expire dix ans au plus tard après la date à laquelle il a commencé à courir conformément aux articles 9, 10, 11 et 12 de la présente Convention.

EFFETS DE L'EXPIRATION DU DÉLAI
DE PRESCRIPTION

Article 24

L'expiration du délai de prescription n'est prise en considération dans toute procédure que si elle est invoquée par la partie intéressée.

Article 25

1. Sous réserve des dispositions du paragraphe 2 du présent article et de celles de l'article 24, aucun droit n'est reconnu ni rendu exécutoire dans aucune procédure entamée après l'expiration du délai de prescription.

2. Nonobstant l'expiration du délai de prescription, une partie peut invoquer un droit et l'opposer à l'autre partie comme moyen de défense ou de compensation, à condition dans ce dernier cas :

- a) Que les deux créances soient nées du même contrat ou de plusieurs contrats conclus au cours de la même transaction; ou
- b) Que les créances aient pu faire l'objet d'une com-

before the expiration of the limitation period.

Article 26

Where the debtor performs his obligation after the expiration of the limitation period, he shall not on that ground be entitled in any way to claim restitution even if he did not know at the time when he performed his obligation that the limitation period had expired.

Article 27

The expiration of the limitation period with respect to a principal debt shall have the same effect with respect to an obligation to pay interest on that debt.

CALCULATION OF THE PERIOD

Article 28

1. The limitation period shall be calculated in such a way that it shall expire at the end of the day which corresponds to the date on which the period commenced to run. If there is no such corresponding date, the period shall expire at the end of the last day of the last month of the limitation period.

2. The limitation period shall be calculated by reference to the date of the place where the legal proceedings are instituted.

Article 29

Where the last day of the limitation period falls on an official holiday or other *dies non juridicus* precluding the appropriate legal action in the jurisdiction where the creditor institutes legal proceedings or asserts a claim as envisaged in article 13, 14 or 15, the limitation period shall be extended so as not to expire until the end of the first day following that official holiday or *dies non juridicus* on which such proceedings could be instituted or on which such a claim could be asserted in that jurisdiction.

INTERNATIONAL EFFECT

Article 30

The acts and circumstances referred to in articles 13 through 19 which have taken place in one Contracting State shall have effect for the purposes of this Convention in another Contracting State, provided that the creditor has taken all reasonable steps to ensure that the debtor is informed of the relevant act or circumstances as soon as possible.

PART II. IMPLEMENTATION

Article 31

1. If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or

pensation à un moment quelconque avant l'expiration du délai de prescription.

Article 26

Si le débiteur exécute son obligation après l'expiration du délai de prescription, il n'a pas le droit de demander la restitution, même s'il ignorait au moment de l'exécution de son obligation que le délai de prescription était expiré.

Article 27

L'expiration du délai de prescription quant au principal de la dette a le même effet quant aux intérêts de celle-ci.

CALCUL DU DÉLAI DE PRESCRIPTION

Article 28

1. Le délai de prescription est calculé de manière à expirer à minuit le jour dont la date correspond à celle à laquelle le délai a commencé à courir. À défaut de date correspondante, le délai de prescription expiré à minuit le dernier jour du dernier mois du terme.

2. Le délai de prescription est calculé par référence à la date du lieu où la procédure est engagée.

Article 29

Si le dernier jour du délai de prescription est un jour férié ou tout autre jour de vacances judiciaires mettant obstacle à ce que la procédure soit entamée dans la juridiction où le créancier engage une procédure judiciaire ou revendique un droit comme prévu aux articles 13, 14 ou 15, le délai de prescription est prolongé de façon à englober le premier jour utile qui suit ledit jour férié ou jour de vacances judiciaires.

EFFET INTERNATIONAL

Article 30

Aux fins de la présente Convention, les actes et circonstances prévus aux articles 13 à 19 qui ont été accomplis ou se sont réalisés dans un État contractant produiront leur plein effet dans un autre État contractant, à condition que le créancier ait fait toute diligence pour que le débiteur en soit informé à bref délai.

TITRE II : MESURES D'APPLICATION

Article 31

1. Tout État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles, selon sa constitution, des systèmes de droit différents s'appliquent dans les matières régies par la présente Convention pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention

more of them, and may amend its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Secretary-General of the United Nations and shall state expressly the territorial units to which the Convention applies.

3. If a Contracting State described in paragraph 1 of this article makes no declaration at the time of signature, ratification or accession, the Convention shall have effect within all territorial units of that State.

4. *See footnote 3* If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party to a contract is located in that State, this place of business shall, for the purposes of this Convention, be considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

Article 32

Where in this Convention reference is made to the law of a State in which different systems of law apply, such reference shall be construed to mean the law of the particular legal system concerned.

Article 33

Each Contracting State shall apply the provisions of this Convention to contracts concluded on or after the date of the entry into force of this Convention.

PART III. DECLARATIONS AND RESERVATIONS

Article 34 *See footnote 4*

1. Two or more Contracting States which have the same or closely related legal rules on matters governed by this Convention may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States. Such declarations may be made jointly or by reciprocal unilateral declarations.

2. A Contracting State which has the same or closely related legal rules on matters governed by this Convention as one or more non-Contracting States may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States.

3. If a State which is the object of a declaration under paragraph 2 of this article subsequently becomes a Contracting State, the declaration made shall, as from the date on which this Convention enters into force in respect of the new Contracting State, have the effect of a declaration made under paragraph 1, provided that the new Contracting State joins in such declaration or makes a reciprocal unilateral declaration.

s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles et pourra à tout moment amender cette déclaration en faisant une nouvelle déclaration.

2. Ces déclarations seront communiquées au Secrétaire général de l'Organisation des Nations Unies et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

3. Si un État contractant mentionné au paragraphe 1 du présent article ne fait aucune déclaration lors de la signature, de la ratification ou de l'adhésion, la Convention s'appliquera à l'ensemble du territoire de cet État.

4. *Voir note infrapaginale 3* Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou à plusieurs des unités territoriales d'un État contractant, mais non pas à toutes, et si l'établissement d'une partie au contrat est situé dans cet État, cet établissement sera considéré, aux fins de la présente Convention, comme n'étant pas situé dans un État contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.

Article 32

Lorsque dans la présente Convention il est fait référence à la loi d'un État dans lequel s'appliquent des systèmes juridiques différents, cette référence sera interprétée comme renvoyant à la loi du système juridique qui est concerné.

Article 33

Chaque État contractant appliquera les dispositions de la présente Convention aux contrats qui ont été conclus à partir de l'entrée en vigueur de la Convention.

TITRE III : DÉCLARATIONS ET RÉSERVES

Article 34 *Voir note infrapaginale 4*

1. Deux ou plusieurs États contractants qui, dans des matières régies par la présente Convention, appliquent des règles juridiques identiques ou voisines peuvent, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces États. De telles déclarations peuvent être faites conjointement ou être unilatérales et réciproques.

2. Un État contractant qui, dans des matières régies par la présente Convention, applique des règles juridiques identiques ou voisines de celles d'un ou de plusieurs États non contractants peut, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces États.

3. Lorsqu'un État à l'égard duquel une déclaration a été faite en vertu du paragraphe 2 du présent article devient par la suite État contractant, la déclaration mentionnée aura, à partir de la date à laquelle la présente Convention entrera en vigueur à l'égard de ce nouvel État contractant, les effets d'une déclaration faite en vertu du paragraphe 1, à condition que le nouvel État contractant s'y associe ou fasse une déclaration unilatérale à titre réciproque.

Article 35

A Contracting State may declare, at the time of the deposit of its instrument of ratification or accession, that it will not apply the provisions of this Convention to actions for annulment of the contract.

Article 36

Any State may declare, at the time of the deposit of its instrument of ratification or accession, that it shall not be compelled to apply the provisions of article 24 of this Convention.

Article 36 bis (Article XII of the Protocol)

Any State may declare at the time of the deposit of its instrument of accession or its notification under article 43 *bis* that it will not be bound by the amendments to article 3 made by article I of the 1980 Protocol *See footnote 5*. A declaration made under this article shall be in writing and be formally notified to the depositary.

Article 37 See footnote 6

This Convention shall not prevail over any international agreement which has already been or may be entered into and which contains provisions concerning the matters governed by this Convention, provided that the seller and buyer have their places of business in States parties to such agreement.

Article 38

1. A Contracting State which is a party to an existing convention relating to the international sale of goods may declare, at the time of the deposit of its instrument of ratification or accession, that it will apply this Convention exclusively to contracts of international sale of goods as defined in such existing convention.

2. Such declaration shall cease to be effective on the first day of the month following the expiration of twelve months after a new convention on the international sale of goods, concluded under the auspices of the United Nations, shall have entered into force.

Article 39

No reservation other than those made in accordance with articles 34, 35, 36, 36 *bis* and 38 shall be permitted.

Article 40

1. Declarations made under this Convention shall be addressed to the Secretary-General of the United Nations and shall take effect simultaneously with the entry of this Convention into force in respect of the State concerned, except declarations made thereafter. The latter declarations shall take effect on the first day of the month following the expiration of six months after the date of their receipt by the Secretary-General of the United Nations. *See footnote 7* Reciprocal unilateral declarations under

Article 35

Tout État contractant peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'appliquera pas les dispositions de la présente Convention aux actions en annulation du contrat.

Article 36

Tout État peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'est pas tenu d'appliquer les dispositions de l'article 24 de la présente Convention.

Article 36 bis (Article XII du Protocole)

Tout État peut déclarer, au moment du dépôt de son instrument d'adhésion ou de sa notification en vertu de l'article 43 *bis*, qu'il ne sera pas lié par les modifications de l'article 3 apportées à l'article I du Protocole de 1980 *Voir note infrapaginale 5*. Une déclaration en vertu du présent article devra être faite par écrit et notifiée formellement au dépositaire.

Article 37 Voir note infrapaginale 6

La présente Convention ne prévaut pas sur un accord international déjà conclu ou à conclure qui contient des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des États parties à cet accord.

Article 38

1. Tout État contractant qui est partie à une convention existante relative à la vente internationale d'objets mobiliers corporels peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il appliquera la présente Convention exclusivement aux contrats de vente internationale d'objets mobiliers corporels définis dans cette convention existante.

2. Cette déclaration cessera d'avoir effet le premier jour du mois suivant l'expiration d'une période de douze mois après qu'une nouvelle convention sur la vente internationale d'objets mobiliers corporels, conclue sous les auspices de l'Organisation des Nations Unies, sera entrée en vigueur.

Article 39

Aucune autre réserve autre que celles faites conformément aux articles 34, 35, 36, 36 *bis* et 38 de la présente Convention n'est autorisée.

Article 40

1. Les déclarations faites en application de la présente Convention seront adressées au Secrétaire général de l'Organisation des Nations Unies et prendront effet à la date d'entrée en vigueur de la présente Convention à l'égard de l'État déclarant. Les déclarations faites postérieurement à cette entrée en vigueur prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de leur réception par le Secrétaire général de l'Organisation des Nations Unies. *Voir*

article 34 shall take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the Secretary-General of the United Nations.

2. Any State which has made a declaration under this Convention may withdraw it at any time by a notification addressed to the Secretary-General of the United Nations. Such withdrawal shall take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the Secretary-General of the United Nations. In the case of a declaration made under article 34 of this Convention, such withdrawal shall also render inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

PART IV. FINAL CLAUSES

Article 41

This Convention *See footnote 8* shall be open until 31 December 1975 for signature by all States at the Headquarters of the United Nations.

Article 42

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 43

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 43 bis (Article X of the Protocol)

If a State ratifies or accedes to the 1974 Limitation Convention after the entry into force of the 1980 Protocol, the ratification or accession shall also constitute a ratification of or an accession to the Convention as amended by the 1980 Protocol if the State notifies the depositary accordingly.

Article 43 ter (Article VIII (2) of the Protocol)

Accession to the 1980 Protocol by any State which is not a Contracting Party to the 1974 Limitation Convention shall have the effect of accession to that Convention as amended by the Protocol, subject to the provisions of article 44 *bis*.

Article 44

1. This Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification

note infrapaginale 7 Les déclarations unilatérales et réciproques faites en vertu de l'article 34 prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de la réception de la dernière déclaration par le Secrétaire général de l'Organisation des Nations Unies.

2. Tout État ayant fait une déclaration en vertu de la présente Convention peut à tout moment la retirer par une notification adressée au Secrétaire général de l'Organisation des Nations Unies. Ce retrait prend effet le premier jour du mois suivant l'expiration d'une période de six mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification. Dans le cas d'une déclaration faite en vertu de l'article 34, elle rendra également caduque, à partir de sa prise d'effet, toute déclaration réciproque faite par un autre État en vertu de ce même article.

TITRE IV : DISPOSITIONS FINALES

Article 41

La présente Convention *Voir note infrapaginale 8* sera ouverte à la signature de tous les États, au Siège de l'Organisation des Nations Unies, jusqu'au 31 décembre 1975.

Article 42

La présente Convention est soumise à ratification. Les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43

La présente Convention restera ouverte à l'adhésion de tout État. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43 bis (Article X du Protocole)

Si un État ratifie la Convention de 1974 sur la prescription ou y adhère après l'entrée en vigueur du Protocole de 1980, cette ratification ou cette adhésion constituera également une ratification de la Convention modifiée par le Protocole de 1980 ou une adhésion à ladite Convention à condition que l'État adresse au depositaire une notification à cet effet.

Article 43 ter (Article VIII (2) du Protocole)

L'adhésion au Protocole de 1980 par un État qui n'est pas partie contractante à la Convention de 1974 sur la prescription aura l'effet d'une adhésion à la Convention telle que modifiée par le Protocole, sous réserve des dispositions de l'article 44 *bis*.

Article 44

1. La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt du dixième instrument de ratification ou d'adhésion.

2. Pour chacun des États qui ratifieront la Convention ou y adhéreront après le dépôt du dixième instrument de

or accession, this Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification or accession.

Article 44 bis (Article XI of the Protocol)

Any State which becomes a Contracting Party to the 1974 Limitation Convention, as amended by the 1980 Protocol, shall, unless it notifies the depositary to the contrary, be considered to be also a Contracting Party to the Convention, unamended, in relation to any Contracting Party to the Convention not yet a Contracting Party to the 1980 Protocol.

Article 45

1. Any Contracting State may denounce this Convention by notifying the Secretary-General of the United Nations to that effect.

2. The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the Secretary-General of the United Nations.

Article 45 bis (Article XIII (3) of the Protocol)

Any Contracting State in respect of which the 1980 Protocol ceases to have effect by the application of paragraphs (1) and (2) *See footnote 9* of article XIII of the 1980 Protocol shall remain a Contracting Party to the 1974 Limitation Convention, unamended, unless it denounces the unamended Convention in accordance with article 45 of that Convention.

Article 46

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Footnote: 1 Text as amended in accordance with article I of the 1980 Protocol. States that make a declaration under article 36 *bis* (article XII of the 1980 Protocol) will be bound by article 3 as originally adopted in the Limitation Convention, 1974. Article 3 as originally adopted reads as follows:

«Article 3

1. This Convention shall apply only if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States.

2. Unless this Convention provides otherwise, it shall apply irrespective of the law which would otherwise be applicable by virtue of the rules of private international law.

3. This Convention shall not apply when the parties have expressly excluded its application.”

ratification ou d'adhésion, la Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt par cet État de son instrument de ratification ou d'adhésion.

Article 44 bis (Article XI du Protocole)

Tout État qui devient partie contractante à la Convention de 1974 sur la prescription, telle que modifiée par le Protocole de 1980, et qui n'adresse pas de notification en sens contraire au dépositaire, sera considéré comme étant également partie contractante à la Convention de 1974 sur la prescription non modifiée dans ses rapports avec toute partie contractante à cette dernière convention qui n'est pas devenue partie contractante au Protocole de 1980.

Article 45

1. Chaque État contractant pourra dénoncer la présente Convention par notification adressée à cet effet au Secrétaire général de l'Organisation des Nations Unies.

2. La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification.

Article 45 bis (Article XIII (3) du Protocole)

Tout État contractant à l'égard duquel le Protocole de 1980 cessera d'avoir effet en application des paragraphes 1 et 2 *Voir note infrapaginale 9* de l'article XIII du Protocole de 1980 demeurera partie contractante à la Convention de 1974 sur la prescription non modifiée, sauf dénonciation de cette convention effectuée conformément à l'article 45.

Article 46

L'original de la présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

Note infrapaginale : 1 Texte modifié conformément à l'article I du Protocole de 1980. Les États qui font une déclaration en vertu de l'article 36 *bis* (article XII du Protocole de 1980) seront liés par le texte de l'article 3 de la Convention de 1974 initialement adopté. Ce texte est le suivant :

«Article 3

1. La présente Convention ne s'applique que si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des États contractants;

2. Sauf disposition contraire de la présente Convention, celle-ci s'applique sans égard à la loi qui serait applicable en vertu des règles du droit international privé.

3. La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.»

Footnote: 2 Text of paragraphs (a) and (e) as amended in accordance with article II of the 1980 Protocol. Paragraphs (a) and (e) of article 4 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

“(a) of goods bought for personal, family or household use;

(e) of ships, vessels, or aircraft;”

Footnote: 3 New paragraph 4, added in accordance with article III of the 1980 Protocol.

Footnote: 4 Text as amended in accordance with article IV of the 1980 Protocol. Article 34 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

“Article 34

Two or more Contracting States may at any time declare that contracts of sale between a seller having a place of business in one of these States and a buyer having a place of business in another of these States shall not be governed by this Convention, because they apply to the matters governed by this Convention the same or closely related legal rules.”

Footnote: 5 Such a State will then be bound by article 3 of the unamended Convention. For its text, see footnote under article 3.

Footnote: 6 Text as amended in accordance with article V of the Protocol, Article 37 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

“Article 37

This Convention shall not prevail over conventions already entered into or which may be entered into, and which contain provisions concerning the matters covered by this Convention, provided that the seller and buyer have their places of business in States parties to such a convention.”

Footnote: 7 Last sentence of paragraph 1 of article 40 added in accordance with article VI of the 1980 Protocol.

Footnote: 8 Refers to the 1974 Limitation Convention.

Footnote: 9 Paragraphs (1) and (2) of article XIII of the Protocol read as follows:

“(1) A Contracting State may denounce this Protocol by notifying the depositary to that effect.

(2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the depositary.”

Note infrapaginale : 2 Le libellé des alinéas a) et e) a été modifié en application de l'article II du Protocole de 1980. Avant modification par le Protocole, les alinéas a) et e) de l'article 4 de la Convention de 1974 se lisaient comme suit :

«a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique;

e) De navires, bateaux et aéronefs;»

Note infrapaginale : 3 Nouveau paragraphe 4, ajouté conformément à l'article III du Protocole de 1980.

Note infrapaginale : 4 Texte modifié conformément à l'article IV du Protocole de 1980. Avant modification par le Protocole, l'article 34 de la Convention de 1974 se lisait comme suit :

«Article 34

Deux ou plusieurs États contractants peuvent déclarer à tout moment que les contrats de vente conclus entre des vendeurs ayant leur établissement sur le territoire d'un de ces États et des acheteurs ayant leur établissement sur le territoire d'un autre de ces États ne seront pas régis par la présente Convention parce que, sur les matières qu'elle tranche, ils appliquent des règles juridiques identiques ou voisines.»

Note infrapaginale : 5 Cet État sera alors lié par l'article 3 de la Convention non modifiée, dont on trouve le libellé à la note à laquelle renvoie l'article 3.

Note infrapaginale : 6 Texte modifié conformément à l'article V du Protocole. Avant sa modification par le Protocole de 1980, l'article 37 de la Convention de 1974 se lisait comme suit :

«Article 37

La présente Convention ne déroge pas aux conventions déjà conclues ou à conclure et qui contiennent des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des États parties à l'une de ces conventions.»

Note infrapaginale : 7 La dernière phrase du paragraphe 1 de l'article 40 a été ajoutée, conformément à l'article VI du Protocole de 1980.

Note infrapaginale : 8 Renvoie à la Convention de 1974 sur la prescription.

Note infrapaginale : 9 Le texte des paragraphes 1 et 2 de l'article XIII du Protocole est le suivant :

«(1) Tout État contractant pourra dénoncer le présent Protocole par notification adressée à cet effet au depositaire.

2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois à compter de la date de réception de la notification par le depositaire.»

SCHEDULE 4
 PROTOCOL AMENDING THE CONVENTION
 ON THE LIMITATION PERIOD IN THE
 INTERNATIONAL SALE OF GOODS

The States Parties to this Protocol,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Considering that amending the Convention on the Limitation Period in the International Sale of Goods, concluded at New York on 14 June 1974 (the 1974 Limitation Convention), to conform to the United Nations Convention on Contracts for the International Sale of Goods, concluded at Vienna on 11 April 1980 (the 1980 Sales Convention), would promote the adoption of the uniform rules governing the limitation period contained in the 1974 Limitation Convention,

Have agreed to amend the 1974 Limitation Convention as follows:

Article I

(1) Paragraph 1 of article 3 is replaced by the following provisions:

“1. This Convention shall apply only

- (a) if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States; or
- (b) if the rules of private international law make the law of a Contracting State applicable to the contract of sale.”

(2) Paragraph 2 of article 3 is deleted.

(3) Paragraph 3 of article 3 is renumbered as paragraph 2.

Article II

(1) Subparagraph (a) of article 4 is deleted and replaced by the following provision:

“(a) of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use;”

(2) Subparagraph (e) of article 4 is deleted and is replaced by the following provision:

“(e) of ships, vessels, hovercraft or aircraft;”

Article III

A new paragraph 4 is added to article 31 reading as follows:

ANNEXE 4
 PROTOCOLE MODIFIANT LA CONVENTION
 SUR LA PRESCRIPTION EN MATIÈRE DE VENTE
 INTERNATIONALE DE MARCHANDISES

Les États parties au présent Protocole,

Considérant l'importance du commerce international pour la promotion de relations amicales entre les États,

Estimant que l'adoption de règles uniformes applicables au délai de prescription en matière de vente internationale de marchandises favoriserait le développement du commerce mondial,

Considérant également qu'une modification de la Convention sur la prescription en matière de vente internationale de marchandises, conclue à New York le 14 juin 1974 (Convention de 1974 sur la prescription), afin d'en harmoniser les dispositions avec celles de la Convention des Nations Unies sur les contrats de vente internationale de marchandises, conclue à Vienne le 11 avril 1980 (Convention de 1980 sur la vente), faciliterait l'adoption des règles uniformes applicables au délai de prescription que contient la Convention sur la prescription,

Sont convenus de modifier la Convention de 1974 sur la prescription comme suit :

Article I

(1) Le paragraphe 1 de l'article 3 est remplacé par la disposition suivante :

«1. La présente Convention ne s'applique que

- a) si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des États contractants; ou
- b) si les règles du droit international privé rendent applicable au contrat de vente la loi d'un État contractant.»

(2) Le paragraphe 2 de l'article 3 est supprimé.

(3) Le paragraphe 3 de l'article 3 devient de ce fait le paragraphe 2.

Article II

(1) L'alinéa a) de l'article 4 est supprimé et remplacé par la disposition suivante :

«a) d'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique, à moins que le vendeur, à un moment quelconque avant la conclusion ou lors de la conclusion du contrat, n'ait pas su et n'ait pas été censé savoir que ces objets étaient achetés pour un tel usage.»

(2) L'alinéa e) de l'article 4 est supprimé et remplacé par la disposition suivante :

«e) de navires, bateaux, aéronefs et aéronefs.»

Article III

Le nouveau paragraphe 4 ci-après est ajouté à l'article 31 :

“(4) If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party to a contract is located in that State, this place of business shall, for the purposes of this Convention, be considered not to be in a Contracting State unless it is in a territorial unit to which the Convention extends.”

Article IV

The provisions of article 34 are deleted and are replaced by the following provisions:

“1. Two or more Contracting States which have the same or closely related legal rules on matters governed by this Convention may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States. Such declarations may be made jointly or be reciprocal unilateral declarations.

2. A Contracting State which has the same or closely related legal rules on matters governed by this Convention as one or more non-Contracting States may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States.

3. If a State which is the object of a declaration under paragraph (2) of this article subsequently becomes a Contracting State, the declaration made shall, as from the date on which this Convention enters into force in respect of the new Contracting State, have the effect of a declaration made under paragraph (1), provided that the new Contracting State joins in such declaration or makes a reciprocal unilateral declaration.”

Article V

The provisions of article 37 are deleted and are replaced by the following provisions:

“This Convention shall not prevail over any international agreement which has already been or may be entered into and which contains provisions concerning the matters governed by this Convention, provided that the seller and buyer have their places of business in States parties to such agreement.”

Article VI

At the end of paragraph 1 of article 40, the following provision is added:

“Reciprocal unilateral declarations under article 34 shall take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the Secretary-General of the United Nations.”

«(4) Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou plusieurs des unités territoriales d'un État contractant, mais non pas à toutes, et si l'établissement d'une partie au contrat est située dans cet État, cet établissement sera considéré, aux fins de la présente Convention, comme n'étant pas situé dans un État contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.»

Article IV

Les dispositions de l'article 34 sont supprimées et remplacées par les suivantes :

«1. Deux ou plusieurs États contractants qui, dans des matières régies par la présente Convention, appliquent des règles juridiques identiques ou voisines peuvent, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces États. De telles déclarations peuvent être faites conjointement ou être unilatérales et réciproques.

2. Un État contractant qui, dans des matières régies par la présente Convention, applique des règles juridiques identiques ou voisines de celles d'un ou de plusieurs États non contractants peut, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces États.

3. Lorsqu'un État à l'égard duquel une déclaration a été faite en vertu du paragraphe 2 du présent article devient par la suite État contractant, la déclaration mentionnée aura, à partir de la date à laquelle la présente Convention entrera en vigueur à l'égard de ce nouvel État contractant, les effets d'une déclaration faite en vertu du paragraphe 1, à condition que le nouvel État contractant s'y associe ou fasse une déclaration unilatérale à titre réciproque.»

Article V

Les dispositions de l'article 37 sont supprimées et remplacées par le texte suivant :

«La présente Convention ne prévaut pas sur un accord international déjà conclu ou à conclure qui contient des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des États parties à cet accord.»

Article VI

La disposition suivante est ajoutée à la fin du paragraphe 1 de l'article 40 :

«Les déclarations unilatérales et réciproques faites en vertu de l'article 34 prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de la réception de la dernière déclaration par le Secrétaire général de l'Organisation des Nations Unies.»

FINAL PROVISIONS

Article VII

The Secretary-General of the United Nations is hereby designated as the depositary for this Protocol.

Article VIII

(1) This Protocol shall be open for accession by all States.

(2) Accession to this Protocol by any State which is not a Contracting Party to the 1974 Limitation Convention shall have the effect of accession to that Convention as amended by this Protocol, subject to the provisions of article XI.

(3) Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article IX

(1) This Protocol shall enter into force on the first day of the sixth month following the deposit of the second instrument of accession, provided that on that date:

- (a) the 1974 Limitation Convention is itself in force; and
- (b) the 1980 Sales Convention is also in force.

If these Conventions are not both in force on that date, this Protocol shall enter into force on the first day on which both Conventions are in force.

(2) For each State acceding to this Protocol after the second instrument of accession has been deposited, this Protocol shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of accession, if by that date the Protocol is itself in force. If by that date the Protocol itself is not yet in force, the Protocol shall enter into force for that State on the date the Protocol itself enters into force.

Article X

If a State ratifies or accedes to the 1974 Limitation Convention after the entry into force of this Protocol, the ratification or accession shall also constitute an accession to this Protocol if the State notifies the depositary accordingly.

Article XI

Any State which becomes a Contracting Party to the 1974 Limitation Convention, as amended by this Protocol, by virtue of articles VIII, IX or X of this Protocol shall, unless it notifies the depositary to the contrary, be considered to be also a Contracting Party to the Convention not yet a Contracting Party to this Protocol.

DISPOSITIONS FINALES

Article VII

Le Secrétaire général de l'Organisation des Nations Unies est désigné comme dépositaire du présent Protocole.

Article VIII

(1) Le présent Protocole sera ouvert à l'adhésion de tous les États.

(2) L'adhésion au présent Protocole par un État qui n'est pas partie contractante à la Convention de 1974 sur la prescription aura l'effet d'une adhésion à la Convention telle que modifiée par le présent Protocole, sous réserve des dispositions de l'article XI.

(3) Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article IX

(1) Le présent Protocole entrera en vigueur le premier jour du sixième mois suivant le dépôt du deuxième instrument d'adhésion, à condition :

- a) que la Convention de 1974 sur la prescription soit elle-même en vigueur à cette date; et
- b) que la Convention de 1980 sur la vente soit également en vigueur à cette date.

Si ces conventions ne sont pas toutes les deux en vigueur à cette date, le présent Protocole entrera en vigueur le jour même où toutes deux seront en vigueur.

(2) Pour chacun des États qui adhéreront au présent Protocole après que le deuxième instrument d'adhésion aura été déposé, le présent Protocole entrera en vigueur le premier jour du mois suivant l'expiration de six mois après la date du dépôt de son instrument d'adhésion, si à cette date le Protocole est lui-même en vigueur. Si, à cette date, le Protocole n'est pas encore en vigueur, il entrera en vigueur à l'égard de cet État à la date de son entrée en vigueur.

Article X

Si un État ratifie la Convention de 1974 sur la prescription ou y adhère après l'entrée en vigueur du présent Protocole, cette ratification ou cette adhésion constituera également une adhésion au présent Protocole à condition que l'État adresse au dépositaire une notification à cet effet.

Article XI

Tout État qui devient partie contractante à la Convention de 1974 sur la prescription telle que modifiée par le présent Protocole en vertu de l'article VIII, de l'article IX ou de l'article X du présent Protocole, et qui n'adresse pas de notification en sens contraire au dépositaire, sera considéré comme étant également partie contractante à la Convention de 1974 sur la prescription non modifiée dans ses rapports avec toute partie contractante à cette dernière convention qui n'est pas devenue partie contractante au présent Protocole.

Article XII

Any State may declare at the time of the deposit of its instrument of accession or its notification under article X that it will not be bound by article I of the Protocol. A declaration made under this article shall be in writing and be formally notified to the depositary.

Article XIII

(1) A Contracting State may denounce this Protocol by notifying the depositary to that effect.

(2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the depositary.

(3) Any Contracting State in respect of which this Protocol ceases to have effect by the application of paragraphs (1) and (2) of this article shall remain a Contracting party to the 1974 Limitation Convention, unamended, unless it denounces the unamended Convention in accordance with article 45 of that Convention.

Article XIV

(1) The depositary shall transmit certified true copies of this Protocol to all States.

(2) When this Protocol enters into force in accordance with article IX, the depositary shall prepare a text of the 1974 Limitation Convention, as amended by this Protocol, and shall transmit certified true copies to all States Parties to that Convention, as amended by this Protocol.

Done at Vienna, this day of 11 April 1980, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

September 2000

Limitations Act, 2002

5. Subsection 2 (1) of the *Limitations Act, 2002* is amended by striking out “and” at the end of clause (e), by adding “and” at the end of clause (f) and by adding the following clause:

- (g) proceedings to which the Limitation Convention or the Amended Limitation Convention, as defined in the *International Sales Conventions Act*, applies.

Commencement

6. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Article XII

Tout État peut déclarer, au moment du dépôt de son instrument d'adhésion ou de sa notification en vertu de l'article X, qu'il ne sera pas lié par l'article I du Protocole. Une déclaration en vertu du présent article devra être faite par écrit et notifiée formellement au dépositaire.

Article XIII

(1) Tout État contractant pourra dénoncer le présent Protocole par notification adressée à cet effet au dépositaire.

(2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois à compter de la date de réception de la notification par le dépositaire.

(3) Tout État contractant à l'égard duquel le présent Protocole cessera d'avoir effet en application des paragraphes 1 et 2 du présent article demeurera partie contractante à la Convention de 1974 sur la prescription non modifiée, sauf dénonciation de cette convention effectuée conformément à l'article 45.

Article XIV

(1) Le dépositaire transmettra à tous les États un exemplaire certifié conforme du présent Protocole.

(2) Lorsque le présent Protocole entrera en vigueur conformément à l'article IX, le dépositaire établira le texte de la Convention de 1974 sur la prescription telle que modifiée par le présent Protocole et en adressera un exemplaire certifié conforme à tous les États parties à ladite Convention telle que modifiée par le présent Protocole.

Fait à Vienne, le onze avril mil neuf cent quatre-vingt, en un seul original, dont les textes anglais, arabe, chinois, espagnol, français et russe sont également authentiques.

Septembre 2000

Loi de 2002 sur la prescription des actions

5. Le paragraphe 2 (1) de la *Loi de 2002 sur la prescription des actions* est modifié par adjonction de l'alinéa suivant :

- g) les instances auxquelles s'applique la Convention sur la prescription ou la Convention modifiée sur la prescription, au sens de la *Loi sur les conventions de vente internationale*.

Entrée en vigueur

6. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

SCHEDULE 9 MINISTRY OF CITIZENSHIP AND IMMIGRATION

FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006

1. Section 5 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

Application

5. (1) This Act applies to regulated professions.

Compulsory trades

(2) This Act applies to the Ontario College of Trades in the same manner and to the same extent as if a reference in this Act to a regulated profession were a reference to a compulsory trade.

2. Section 16 of the Act is repealed and the following substituted:

Employees

16. The employees that are considered necessary for the proper conduct of the affairs of the Office of the Fairness Commissioner may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

3. The English version of section 18 of the Act is amended by striking out “Such employees as are considered necessary” at the beginning and substituting “The employees that are considered necessary”.

4. (1) The following provisions of subsection 30 (1) of the Act are amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)” wherever that expression appears and substituting in each case “a person employed in the Office of the Fairness Commissioner”:

1. Clause (a) at the end.

2. Clause (c).

(2) Clause 30 (2) (a) of the Act is amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)” and substituting “a person employed in the Office of the Fairness Commissioner”.

5. (1) Subsection 32 (1) of the Act is repealed and the following substituted:

Immunity

(1) No proceeding shall be commenced against the Fairness Commissioner, anyone employed in the Office of the Fairness Commissioner or anyone employed under section 18 for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act.

ANNEXE 9 MINISTÈRE DES AFFAIRES CIVIQUES ET DE L'IMMIGRATION

LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES ET AUX MÉTIERS À ACCREDITATION OBLIGATOIRE

1. L'article 5 de la *Loi de 2006 sur l'accès équitable aux professions réglementées et aux métiers à accréditation obligatoire* est abrogé et remplacé par ce qui suit :

Champ d'application

5. (1) La présente loi s'applique aux professions réglementées.

Métiers à accréditation obligatoire

(2) La présente loi s'applique à l'Ordre des métiers de l'Ontario de la même manière et dans la même mesure que si la mention, dans la présente loi, d'une profession réglementée valait mention d'un métier à accréditation obligatoire.

2. L'article 16 de la Loi est abrogé et remplacé par ce qui suit :

Employés

16. Les employés qui sont jugés nécessaires au bon fonctionnement du Bureau du commissaire à l'équité peuvent être nommés aux termes de la partie III de la *Loi de 2006 sur la fonction publique de l'Ontario*.

3. La version anglaise de l'article 18 de la Loi est modifiée par remplacement de «Such employees as are considered necessary» par «The employees that are considered necessary» au début de l'article.

4. (1) Les dispositions suivantes du paragraphe 30 (1) de la Loi sont modifiées par remplacement de «une personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «une personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. L'alinéa a), à la fin.

2. L'alinéa c).

(2) L'alinéa 30 (2) a) de la Loi est modifié par remplacement de «une personne que le commissaire à l'équité emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «une personne employée au Bureau du commissaire à l'équité».

5. (1) Le paragraphe 32 (1) de la Loi est abrogé et remplacé par ce qui suit :

Immunité

(1) Sont irrecevables les instances introduites contre le commissaire à l'équité, une personne employée au Bureau du commissaire à l'équité ou une personne employée en vertu de l'article 18 pour un acte accompli ou omis de bonne foi dans l'exercice effectif ou censé tel des fonctions que lui attribue la présente loi.

(2) Subsection 32 (2) of the Act is amended by striking out “anyone employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)” and substituting “anyone employed in the Office of the Fairness Commissioner”.

6. Section 33 of the Act is amended by striking out the portion before clause (a) and substituting the following:

Limitation on powers

33. Neither the Fairness Commissioner, nor anyone employed in the Office of the Fairness Commissioner, nor anyone employed under section 18,

7. Clause 34 (1) (a) of the Act is repealed.

8. Section 2 of Schedule 1 to the Act is repealed.

PROFESSIONAL FORESTERS ACT, 2000

9. Paragraph 25.1 of subsection 53 (1) of the *Professional Foresters Act, 2000* is amended by adding “and *Compulsory Trades*” after “*Regulated Professions*”.

REGULATED HEALTH PROFESSIONS ACT, 1991

10. The following provisions of the *Regulated Health Professions Act, 1991* are amended by adding “and *Compulsory Trades*” after “*Regulated Professions*” in each case:

1. Section 5.1.

2. Clause 43 (1) (i).

3. The definition of “Fairness Commissioner” in section 22.1 of Schedule 2.

11. (1) The following provisions of subsection 22.12 (1) of Schedule 2 to the Act are amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of the *Fair Access to Regulated Professions Act, 2006*” wherever that expression appears and substituting in each case “a person employed in the Office of the Fairness Commissioner”:

1. Clause (a) at the end.

2. Clause (b).

(2) Clause 22.12 (2) (a) of Schedule 2 to the Act is amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of the *Fair Access to Regulated Professions Act, 2006*” and substituting “a person employed in the Office of the Fairness Commissioner”.

12. The following provisions of Schedule 2 to the Act are amended by striking out “anyone employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of

(2) Le paragraphe 32 (2) de la Loi est modifié par remplacement de «aucune personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «aucune personne employée au Bureau du commissaire à l'équité».

6. L'article 33 de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

Limite des pouvoirs

33. Ni le commissaire à l'équité ni aucune personne employée au Bureau du commissaire à l'équité ou employée en vertu de l'article 18 :

7. L'alinéa 34 (1) a) de la Loi est abrogé.

8. L'article 2 de l'annexe 1 de la Loi est abrogé.

LOI DE 2000 SUR LES FORESTIERS PROFESSIONNELS

9. La disposition 25.1 du paragraphe 53 (1) de la *Loi de 2000 sur les forestiers professionnels* est modifiée par insertion de «et aux métiers à accréditation obligatoire» après «aux professions réglementées».

LOI DE 1991 SUR LES PROFESSIONS DE LA SANTÉ RÉGLEMENTÉES

10. Les dispositions suivantes de la *Loi de 1991 sur les professions de la santé réglementées* sont modifiées par insertion de «et aux métiers à accréditation obligatoire» après «aux professions réglementées» dans chaque cas :

1. L'article 5.1.

2. L'alinéa 43 (1) i).

3. La définition de «commissaire à l'équité» à l'article 22.1 de l'annexe 2.

11. (1) Les dispositions suivantes du paragraphe 22.12 (1) de l'annexe 2 de la Loi sont modifiées par remplacement de «une personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la *Loi de 2006 sur l'accès équitable aux professions réglementées*» par «une personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. L'alinéa a), à la fin.

2. L'alinéa b).

(2) L'alinéa 22.12 (2) a) de l'annexe 2 de la Loi est modifié par remplacement de «une personne que le commissaire à l'équité emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la *Loi de 2006 sur l'accès équitable aux professions réglementées*» par «une personne employée au Bureau du commissaire à l'équité».

12. Les dispositions suivantes de l'annexe 2 de la Loi sont modifiées par remplacement de «personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la *Loi de*

the *Fair Access to Regulated Professions Act, 2006*" wherever that expression appears and substituting in each case "anyone employed in the Office of the Fairness Commissioner":

1. Subsection 22.13 (1).
2. Subsection 22.13 (2).
3. Section 22.14, in the portion before clause (a).

COMMENCEMENT

Commencement

13. (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Same

(2) Sections 2, 4, 5, 6, 11 and 12 come into force on a day to be named by proclamation of the Lieutenant Governor.

2006 sur l'accès équitable aux professions réglementées» par «personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. Le paragraphe 22.13 (1).
2. Le paragraphe 22.13 (2).
3. L'article 22.14, dans le passage qui précède l'alinéa a).

ENTRÉE EN VIGUEUR

Entrée en vigueur

13. (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Idem

(2) Les articles 2, 4, 5, 6, 11 et 12 entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

**SCHEDULE 10
MINISTRY OF ENERGY**

ELECTRICITY ACT, 1998

1. Subsection 33 (6) of the *Electricity Act, 1998* is amended by striking out “60 days” and substituting “120 days”.

ONTARIO ENERGY BOARD ACT, 1998

2. (1) Clause (d) of the definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “subsection 5 (3), (4), (5) or (6)” at the beginning and substituting “subsection 5 (4), (5), (6) or (7)”.

(2) The Act is amended by adding the following section:

Liquidators, etc.

21.1 (1) None of the following prevent the exercise by the Board of any jurisdiction conferred by this or any other Act with respect to a regulated utility:

1. The fact that a liquidator, receiver, manager or other official of the regulated utility has been appointed by a court in Ontario.
2. The fact that a writ of sequestration has been issued in Ontario with respect to the regulated utility.
3. The fact that a person is managing or operating the regulated utility under the authority of a court in Ontario.

Obligations of liquidators, etc.

(2) A regulated utility interim official shall manage and operate the regulated utility in accordance with,

- (a) this Act;
- (b) any other Act, to the extent that it confers jurisdiction on the Board;
- (c) any applicable licence, order or direction issued by the Board under this Act or an Act referred to in clause (b);
- (d) any applicable rule made under section 44 or code issued under section 70.1; and
- (e) any applicable assurance of voluntary compliance given to the Board under section 112.7.

Must obey Board

(3) A regulated utility interim official, and any person acting under a regulated utility interim official, shall obey all orders of the Board within its jurisdiction in respect of the regulated utility, and the Board may enforce its orders against the official or person even though the official or

**ANNEXE 10
MINISTÈRE DE L'ÉNERGIE**

LOI DE 1998 SUR L'ÉLECTRICITÉ

1. Le paragraphe 33 (6) de la *Loi de 1998 sur l'électricité* est modifié par remplacement de «60 jours» par «120 jours».

**LOI DE 1998 SUR LA COMMISSION DE L'ÉNERGIE
DE L'ONTARIO**

2. (1) L'alinéa d) de la définition de «disposition exécutoire» à l'article 3 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario* est modifié par remplacement de «le paragraphe 5 (3), (4), (5) ou (6)» par «le paragraphe 5 (4), (5), (6) ou (7)» au début de l'alinéa.

(2) La Loi est modifiée par adjonction de l'article suivant :

Liquidateurs

21.1 (1) Aucun des faits suivants n'empêche la Commission d'exercer une compétence que lui attribue la présente loi ou une autre loi relativement à un service public réglementé :

1. Le fait qu'un liquidateur, un séquestre, un cadre ou un autre agent du service public réglementé a été nommé par un tribunal en Ontario.
2. Le fait qu'un bref de mise sous séquestre judiciaire a été délivré en Ontario à l'égard du service public réglementé.
3. Le fait qu'une personne gère ou exploite le service public réglementé sous l'autorité d'un tribunal en Ontario.

Obligations des liquidateurs

(2) L'agent intérimaire d'un service public réglementé gère et exploite celui-ci conformément à ce qui suit :

- a) la présente loi;
- b) toute autre loi, dans la mesure où elle attribue une compétence à la Commission;
- c) tout permis applicable que délivre la Commission, toute ordonnance applicable qu'elle rend ou toute directive applicable qu'elle donne en application de la présente loi ou d'une loi visée à l'alinéa b);
- d) toute règle applicable adoptée en vertu de l'article 44 ou tout code applicable produit en vertu de l'article 70.1;
- e) toute garantie d'observation volontaire applicable qui est fournie à la Commission en vertu de l'article 112.7.

Obéissance obligatoire

(3) L'agent intérimaire d'un service public réglementé et toute personne agissant sous sa direction doivent obéir aux ordonnances de la Commission qui relèvent de sa compétence à l'égard du service public réglementé. La Commission peut faire exécuter ses ordonnances par

person is appointed by, or acts under the authority of, a court.

Definitions

(4) In this section,

“regulated utility” means,

- (a) a gas distributor, gas transmitter or storage company whose rates are approved or fixed by the Board under section 36, and
- (b) a distributor or transmitter whose rates are approved or fixed by the Board under section 78; (“service public réglementé”)

“regulated utility interim official” means,

- (a) a liquidator, receiver, manager or other official of a regulated utility who has been appointed by a court in Ontario,
- (b) a person acting in respect of a regulated utility under the authority of a writ of sequestration that has been issued in Ontario, or
- (c) a person who is managing or operating a regulated utility under the authority of a court in Ontario. (“agent intérimaire d’un service public réglementé”)

(3) Subsections 36 (4.1) and (4.2) of the Act are repealed and the following substituted:

Deferral or variance accounts

(4.1) If a gas distributor has a deferral or variance account that relates to the commodity of gas, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

Same

(4.2) If a gas distributor has a deferral or variance account that does not relate to the commodity of gas, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

(4) Subclause 44 (1) (b.1) (i) of the Act is repealed and the following substituted:

- (i) stopping the distribution of gas to a property, including the manner in which and the time within which the distribution stops or is to stop, and, with respect to a low-volume consumer as defined in section 47, periods during which the distribution may not be stopped,

(5) Section 44 of the Act is amended by adding the following subsection:

Conflict with *Public Utilities Act*

(4.1) In the event of a conflict between a rule of the

l’agent ou la personne, même si l’un ou l’autre est nommé par un tribunal ou agit sous l’autorité d’un tribunal.

Définitions

(4) Les définitions qui suivent s’appliquent au présent article.

«agent intérimaire d’un service public réglementé» S’entend de ce qui suit :

- a) un liquidateur, un séquestre, un cadre ou un autre agent d’un service public réglementé qui a été nommé par un tribunal en Ontario;
- b) une personne agissant à l’égard d’un service public réglementé sous l’autorité d’un bref de mise sous séquestre judiciaire qui a été délivré en Ontario;
- c) une personne qui gère ou exploite un service public réglementé sous l’autorité d’un tribunal en Ontario. («regulated utility interim official»)

«service public réglementé» S’entend de ce qui suit :

- a) un distributeur de gaz, un transporteur de gaz ou une compagnie de stockage dont les tarifs sont approuvés ou fixés par la Commission en vertu de l’article 36;
- b) un distributeur ou un transporteur dont les tarifs sont approuvés ou fixés par la Commission en vertu de l’article 78. («regulated utility»)

(3) Les paragraphes 36 (4.1) et (4.2) de la Loi sont abrogés et remplacés par ce qui suit :

Comptes de report ou d’écart

(4.1) Si un distributeur de gaz a un compte de report ou d’écart qui se rapporte au gaz comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article qui établit si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

Idem

(4.2) Si un distributeur de gaz a un compte de report ou d’écart qui ne se rapporte pas au gaz comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article qui établit si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

(4) Le sous-alinéa 44 (1) b.1) (i) de la Loi est abrogé et remplacé par ce qui suit :

- (i) l’arrêt de la distribution de gaz à un bien, notamment la manière et le délai d’arrêt, et, relativement à un petit consommateur au sens de l’article 47, les périodes pendant lesquelles la distribution ne peut pas être arrêtée,

(5) L’article 44 de la Loi est modifié par adjonction du paragraphe suivant :

Incompatibilité avec la *Loi sur les services publics*

(4.1) Les règles adoptées par la Commission en vertu

Board made under subclause (1) (b.1) (i) and anything in section 59 of the *Public Utilities Act*, the rule of the Board prevails.

(6) Sub-subclause 70 (2) (d) (ii.1) (A) of the Act is repealed and the following substituted:

- (A) the disconnection of the supply of electricity to a consumer, including the manner in which and the time within which the disconnection takes place or is to take place, and with respect to a low-volume consumer, periods during which the disconnection may not take place,

(7) Section 70 of the Act is amended by adding the following subsection:

Conflict with Electricity Act, 1998

(8) In the event of a conflict between a licence condition referred to in sub-subclause (2) (d) (ii.1) (A) and anything in section 31 of the *Electricity Act, 1998*, the licence condition prevails.

(8) Subsections 78 (6.1) and (6.2) of the Act are repealed and the following substituted:

Deferral or variance accounts

(6.1) If a distributor has a deferral or variance account that relates to the commodity of electricity, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

Same

(6.2) If a distributor has a deferral or variance account that does not relate to the commodity of electricity, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

(9) Subsection 79.1 (1) of the Act is amended by striking out “shall provide” and substituting “may provide”.

(10) Subsection 82 (2) of the Act is repealed and the following substituted:

Order

(2) The Board shall make an order approving a proposal described in section 80 if it determines that,

- (a) the impact of the proposal would not adversely affect the development and maintenance of a competitive market and the proposal is not inconsistent with the objectives of the Board or the purposes of the *Electricity Act, 1998*; or
- (b) the proposal is required to maintain the reliability of the transmission or distribution system of the relevant transmitter or distributor.

du sous-alinéa (1) b.1) (i) l'emportent sur toute disposition incompatible de l'article 59 de la *Loi sur les services publics*.

(6) Le sous-sous-alinéa 70 (2) d) (ii.1) (A) de la Loi est abrogé et remplacé par ce qui suit :

- (A) le fait de débrancher l'approvisionnement en électricité fourni à un consommateur, notamment la manière et le délai de débranchement, et, relativement à un petit consommateur, les périodes pendant lesquelles le débranchement ne peut pas se faire,

(7) L'article 70 de la Loi est modifié par adjonction du paragraphe suivant :

Incompatibilité avec la Loi de 1998 sur l'électricité

(8) Les conditions d'un permis visées au sous-sous-alinéa (2) d) (ii.1) (A) l'emportent sur toute disposition incompatible de l'article 31 de la *Loi de 1998 sur l'électricité*.

(8) Les paragraphes 78 (6.1) et (6.2) de la Loi sont abrogés et remplacés par ce qui suit :

Comptes de report ou d'écart

(6.1) Si un distributeur a un compte de report ou d'écart qui se rapporte à l'électricité comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article afin d'établir si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

Idem

(6.2) Si un distributeur a un compte de report ou d'écart qui ne se rapporte pas à l'électricité comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article afin d'établir si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

(9) Le paragraphe 79.1 (1) de la Loi est modifié par remplacement de «prévoit» par «peut prévoir».

(10) Le paragraphe 82 (2) de la Loi est abrogé et remplacé par ce qui suit :

Ordonnance

(2) La Commission rend une ordonnance approuvant une proposition visée à l'article 80 si elle établit :

- a) soit que la proposition ne nuira pas à l'instauration et au maintien d'un marché concurrentiel et qu'elle n'est pas incompatible avec les objectifs de la Commission ou les objets de la *Loi de 1998 sur l'électricité*;
- b) soit que la proposition est nécessaire pour maintenir la fiabilité du réseau de transport ou de distribution du transporteur ou du distributeur concerné.

(11) Subsection 82 (3) of the Act is repealed and the following substituted:**Same**

(3) The Board shall make an order approving a proposal described in section 81 if it determines that,

- (a) the impact of the proposal would not adversely affect the development and maintenance of a competitive market; and
- (b) the proposal is not inconsistent with the objectives of the Board or the purposes of the *Electricity Act*, 1998.

(12) The Act is amended by adding the following section:**Exemptions**

82.1 (1) The Board may, without a hearing, establish criteria exempting one or more classes of transactions or construction activities from the application of section 80 or 81.

No notice if exempt

(2) A person is not required to give notice of a proposal under section 80 or 81 if the proposal meets the criteria established by the Board under subsection (1).

(13) Subsection 110 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:**Notice**

(3) No document, record or copy thereof obtained by an inspector under section 107 or 108, and no information obtained by an inspector under section 107, that is not otherwise public, including being made public by reason of publication under section 111.1, shall be introduced in evidence in a Board proceeding unless,

(14) Subsection 111 (2) of the Act is repealed and the following substituted:**Same**

(2) If any document, record or information obtained by an inspector under section 107 or 108 that is not otherwise public, including being made public by reason of publication under section 111.1, is admitted in evidence in a proceeding under this Act or any other Act that gives powers or duties to the Board, the Board may rule on whether the document, record or information is to be kept confidential.

(15) The Act is amended by adding the following section:**Publication of inspection reports**

111.1 (1) Despite section 111 but subject to subsection (2), the Board may publish a document, record or information obtained by an inspector under section 107 or 108 as part of a report that describes an inspection conducted

(11) Le paragraphe 82 (3) de la Loi est abrogé et remplacé par ce qui suit :**Idem**

(3) La Commission rend une ordonnance approuvant une proposition visée à l'article 81 si elle établit :

- a) d'une part, que la proposition ne nuira pas à l'instauration et au maintien d'un marché concurrentiel;
- b) d'autre part, que la proposition n'est pas incompatible avec les objectifs de la Commission ou les objectifs de la *Loi de 1998 sur l'électricité*.

(12) La Loi est modifiée par adjonction de l'article suivant :**Exemptions**

82.1 (1) La Commission peut, sans audience, établir des critères soustrayant une ou plusieurs catégories d'opérations ou d'activités de construction à l'application de l'article 80 ou 81.

Avis non requis

(2) Une personne n'est pas tenue de donner avis d'une proposition en application de l'article 80 ou 81 si la proposition satisfait aux critères établis par la Commission en vertu du paragraphe (1).

(13) Le paragraphe 110 (3) de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :**Avis**

(3) Les documents et dossiers ou les copies de ceux-ci qu'obtient un inspecteur en vertu de l'article 107 ou 108, ainsi que les renseignements qu'il obtient en vertu de l'article 107, qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, ne doivent pas être présentés en preuve dans les instances dont la Commission est saisie à moins que celle-ci :

(14) Le paragraphe 111 (2) de la Loi est abrogé et remplacé par ce qui suit :**Idem**

(2) Si les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de l'article 107 ou 108 et qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, sont admis en preuve dans une instance introduite en vertu de la présente loi ou de toute autre loi qui attribue des pouvoirs ou des fonctions à la Commission, celle-ci peut décider s'ils doivent rester confidentiels.

(15) La Loi est modifiée par adjonction de l'article suivant :**Publication des rapports d'inspection**

111.1 (1) Malgré l'article 111 et sous réserve du paragraphe (2), la Commission peut, dans le cadre d'un rapport décrivant une inspection effectuée en vertu de la présente partie ainsi que les résultats ou constats de

under this Part and the results or findings of the inspection.

Non-publication of confidential material

(2) The Board shall not publish a document, record or information under subsection (1) that is not otherwise public unless the Board gives the owner of the document or record or the person who provided the document, record or information an opportunity to make representations with respect to the intended publication.

(16) Section 112 of the Act is repealed and the following substituted:

Evidence

112. No document, record or information obtained by an inspector under this Part that is not otherwise public, including being made public by reason of publication under section 111.1, is admissible in evidence in any proceeding except a proceeding in respect of an order of the Board or a proceeding in respect of an offence under section 126.

(17) Clause 127 (1) (j.19) of the Act is repealed and the following substituted:

(j.19) prescribing periods of time for the purpose of subsections 36 (4.1) and (4.2) and 78 (6.1) and (6.2);

COMMENCEMENT

Commencement

3. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

l'inspection, publier les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de l'article 107 ou 108.

Publication interdite des documents confidentiels

(2) La Commission ne doit pas publier en vertu du paragraphe (1) des documents, des dossiers ou des renseignements qui ne sont pas par ailleurs publics sans avoir donné au propriétaire des documents ou des dossiers ou à la personne qui a fourni les documents, les dossiers ou les renseignements l'occasion de présenter des observations à l'égard de la publication envisagée.

(16) L'article 112 de la Loi est abrogé et remplacé par ce qui suit :

Preuve

112. Les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de la présente partie et qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, ne sont admissibles en preuve que dans une instance relative à une ordonnance de la Commission ou à une infraction prévue à l'article 126.

(17) L'alinéa 127 (1) j.19) de la Loi est abrogé et remplacé par ce qui suit :

j.19) prescrire les délais pour l'application des paragraphes 36 (4.1) et (4.2) et 78 (6.1) et (6.2);

ENTRÉE EN VIGUEUR

Entrée en vigueur

3. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

**SCHEDULE 11
MINISTRY OF THE ENVIRONMENT
AND CLIMATE CHANGE**

CLEAN WATER ACT, 2006

1. The *Clean Water Act, 2006* is amended by adding the following section:

Power to require response to inquiries

62.1 (1) For the purposes of determining compliance of a person with this Part, a risk management inspector may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a risk management inspector may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a risk management inspector may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a risk management inspector may require that a copy of it be provided to him or her on paper or electronically, or both.

ENVIRONMENTAL PROTECTION ACT

2. (1) The French version of subsection 5 (1) of the *Environmental Protection Act* is amended by striking out “pour faire appliquer” in the portion before paragraph 1 and substituting “en ce qui concerne”.

(2) Section 20.1 of the Act is amended by adding the following definition:

“prescribed instrument” means a document of legal effect that is issued or otherwise created under a prescribed provision of an Act administered by the Minister, including a permit, licence, approval or authorization but excluding an environmental compliance approval; (“acte prescrit”)

(3) Clause 20.4 (2) (b) of the Act is amended by striking out “176 (2.3)” at the end and substituting “176 (1.2)”.

(4) Section 20.17 of the Act is amended by striking out the portion before clause (a) and substituting the following:

When approval, instrument ceases to have effect

20.17 An environmental compliance approval or a pre-

**ANNEXE 11
MINISTÈRE DE L'ENVIRONNEMENT
ET DE L'ACTION EN MATIÈRE
DE CHANGEMENT CLIMATIQUE**

LOI DE 2006 SUR L'EAU SAINTE

1. La *Loi de 2006 sur l'eau saine* est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

62.1 (1) Pour déterminer si une personne se conforme à la présente partie, un inspecteur en gestion des risques peut, à toute heure et avec toute l'assistance raisonnables, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un inspecteur en gestion des risques peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un inspecteur en gestion des risques peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un inspecteur en gestion des risques peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

LOI SUR LA PROTECTION DE L'ENVIRONNEMENT

2. (1) La version française du paragraphe 5 (1) de la *Loi sur la protection de l'environnement* est modifiée par remplacement de «pour faire appliquer» par «en ce qui concerne» dans le passage qui précède la disposition 1.

(2) L'article 20.1 de la Loi est modifié par adjonction de la définition suivante :

«acte prescrit» Document à effet juridique qui est délivré ou créé d'une autre façon en application d'une disposition prescrite d'une loi dont l'application relève du ministre, notamment un permis, une licence, une approbation ou une autorisation, à l'exclusion toutefois d'une autorisation environnementale. («prescribed instrument»)

(3) L'alinéa 20.4 (2) b) de la Loi est modifié par remplacement de «176 (2.3)» par «176 (1.2)».

(4) L'article 20.17 de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

Expiration de l'autorisation ou de l'acte

20.17 Une autorisation environnementale ou un acte

scribed instrument ceases to apply in respect of an activity at a site on the earlier of,

(5) Section 20.18 of the Act is amended by adding the following subsection:

Continuation of prescribed instrument

(3) If a prescribed instrument is in effect when the Director issues an order under subsection (1), the Director may specify in the order that the prescribed instrument continues to apply.

(6) Section 20.19 of the Act is amended by adding the following definition:

“prescribed instrument” means a document of legal effect that is issued or otherwise created under a prescribed provision of an Act administered by the Minister, including a permit, licence, approval or authorization, but excluding an environmental compliance approval; (“acte prescrit”)

(7) Subsection 20.21 (4) of the Act is repealed and the following substituted:

Transition

(4) If an environmental compliance approval or a prescribed instrument has been issued in respect of an activity before the day when a regulation prescribing the activity for the purposes of subsection (1) comes into force, subsection (1) does not apply to the holder of the approval or instrument until the day the approval or instrument ceases to apply to the activity, as determined in accordance with section 20.17.

(8) Subclause 20.23 (1) (e) (i) of the Act is amended by striking out the portion before sub-subclause (A) and substituting the following:

- (i) if no application has been made for an approval under Part II.1 or for a prescribed instrument under another Act,

(9) Subclause 20.23 (1) (e) (ii) of the Act is repealed and the following substituted:

- (ii) if an application has been made for an approval under Part II.1 or for a prescribed instrument under another Act, the decision in respect of the application has been made; or

(10) Subsection 42 (5) of the Act is amended by striking out “176 (2.4) (e)” at the end and substituting “176 (1.3) (e)”.

(11) Clause (b) of the definition of “environmental measures” in section 131 of the Act is amended by striking out “176 (2.4) (i)” at the end and substituting “176 (1.3) (i)”.

(12) The definition of “financial assurance” in section 131 of the Act is amended by striking out “176 (2.4) (i)” wherever it appears and substituting in each case “176 (1.3) (i)”.

prescrit cesse de s'appliquer à l'égard d'une activité exercée sur un site à la première des dates suivantes :

(5) L'article 20.18 de la Loi est modifié par adjonction du paragraphe suivant :

Maintien de l'acte prescrit

(3) Si un acte prescrit est en vigueur lorsque le directeur prend un arrêté en vertu du paragraphe (1), le directeur peut préciser dans l'arrêté que l'acte prescrit continue de s'appliquer.

(6) L'article 20.19 de la Loi est modifié par adjonction de la définition suivante :

«acte prescrit» Document à effet juridique qui est délivré ou créé d'une autre façon en application d'une disposition prescrite d'une loi dont l'application relève du ministre, notamment un permis, une licence, une approbation ou une autorisation, à l'exclusion toutefois d'une autorisation environnementale. («prescribed instrument»)

(7) Le paragraphe 20.21 (4) de la Loi est abrogé et remplacé par ce qui suit :

Disposition transitoire

(4) Si une autorisation environnementale ou un acte prescrit a été délivré à l'égard d'une activité avant le jour de l'entrée en vigueur d'un règlement prescrivant celle-ci pour l'application du paragraphe (1), ce paragraphe ne s'applique au titulaire de l'autorisation ou de l'acte qu'à compter du jour où l'autorisation ou l'acte cesse de s'appliquer à l'activité, tel que ce jour est fixé conformément à l'article 20.17.

(8) Le sous-alinéa 20.23 (1) e) (i) de la Loi est modifié par remplacement du passage qui précède le sous-sous-alinéa (A) par ce qui suit :

- (i) si aucune demande d'autorisation n'a été présentée pour une autorisation en vertu de la partie II.1 ou si aucune demande d'acte prescrit n'a été présentée en vertu d'une autre loi,

(9) Le sous-alinéa 20.23 (1) e) (ii) de la Loi est abrogé et remplacé par ce qui suit :

- (ii) si une demande d'autorisation a été présentée pour une autorisation en vertu de la partie II.1 ou si une demande d'acte prescrit a été présentée en vertu d'une autre loi, la décision à son sujet a été rendue;

(10) Le paragraphe 42 (5) de la Loi est modifié par remplacement de «176 (2.4) e)» par «176 (1.3) e)» à la fin du paragraphe.

(11) L'alinéa b) de la définition de «mesures d'ordre environnemental» à l'article 131 de la Loi est modifiée par remplacement de «176 (2.4) i)» par «176 (1.3) i)» à la fin de la définition.

(12) La définition de «garantie financière» à l'article 131 de la Loi est modifiée par remplacement de «176 (2.4) i)» par «176 (1.3) i)» partout où figure ce renvoi.

(13) Subsection 136 (2) of the Act is amended by striking out “176 (2.4) (i)” and substituting “176 (1.3) (i)”.

(14) Subclause 136 (3) (a) (ii) of the Act is amended by striking out “176 (2.4) (i)” at the end and substituting “176 (1.3) (i)”.

(15) Section 155 of the Act is amended by striking out “176 (2.4) (i)” and substituting “176 (1.3) (i)”.

(16) Section 156.2 of the Act is amended by striking out “or the *Pesticides Act*” in the portion before clause (a) and substituting “the *Pesticides Act*, the *Safe Drinking Water Act*, 2002 or the *Toxics Reduction Act*, 2009”.

(17) Section 157.0.1 of the Act is amended by adding the following subsections:

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(18) Section 176 of the Act is amended by adding the following subsections:

Regulations relating to Part II.1

(1.1) The Lieutenant Governor in Council may make regulations relating to Part II.1 requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage.

Same, Minister's regulations

(1.2) The Minister may make regulations relating to Part II.1 specifying the date on or before which an application for review of an environmental compliance approval in respect of an activity must be submitted.

Regulations relating to Part II.2

(1.3) The Lieutenant Governor in Council may make regulations relating to Part II.2,

- (a) governing the establishment, operation and maintenance of the Registry, including requiring electronic registrations;
- (b) governing registrations and procedures for registering, which may include designating a person responsible for establishing procedures;
- (c) governing the maintenance of registrations and prescribing any information, reports, records or documents to be included in registrations;

(13) Le paragraphe 136 (2) de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)».

(14) Le sous-alinéa 136 (3) a) (ii) de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)» à la fin du sous-alinéa.

(15) L'article 155 de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)».

(16) L'article 156.2 de la Loi est modifié par remplacement de «ou de la *Loi sur les pesticides*» par «, de la *Loi sur les pesticides*, de la *Loi de 2002 sur la salubrité de l'eau potable* ou de la *Loi de 2009 sur la réduction des toxiques*» dans le passage qui précède l'alinéa a).

(17) L'article 157.0.1 de la Loi est modifié par adjonction des paragraphes suivants :

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(18) L'article 176 de la Loi est modifié par adjonction des paragraphes suivants :

Règlements relatifs à la partie II.1

(1.1) Le lieutenant-gouverneur en conseil peut prendre des règlements relatifs à la partie II.1 qui exigent des personnes prescrites par règlement qu'elles souscrivent une assurance et qui précisent l'assurance à souscrire et les restrictions et conditions applicables à la couverture d'assurance.

Idem : règlements du ministre

(1.2) Le ministre peut prendre des règlements relatifs à la partie II.1 qui précisent la date limite pour présenter une demande de révision d'une autorisation environnementale délivrée à l'égard d'une activité.

Règlements relatifs à la partie II.2

(1.3) Le lieutenant-gouverneur en conseil peut prendre des règlements relatifs à la partie II.2 pour :

- a) régir la création, le fonctionnement et la tenue du Registre, et notamment exiger des enregistrements électroniques;
- b) régir les enregistrements et leurs modalités, notamment la désignation d'une personne chargée de fixer ces modalités;
- c) régir la tenue des enregistrements et prescrire les renseignements, rapports, dossiers ou documents qu'ils doivent inclure;

- (d) prescribing the timing and requirements relating to periodic updating of registrations;
- (e) governing activities prescribed by the regulations for the purposes of subsection 20.21 (1);
- (f) prescribing measures that a provincial officer may require in a notice issued under section 157.4;
- (g) requiring persons with qualifications specified in the regulations to provide certifications as part of registrations;
- (h) governing certifications mentioned in clause (g);
- (i) governing requirements for financial assurance and methods of calculating financial assurance in respect of activities prescribed by the regulations for the purposes of subsection 20.21 (1) and prescribing environmental measures for which financial assurance may be required;
- (j) requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage.

(19) Subsections 176 (2.2) to (2.4) of the Act are repealed.

NUTRIENT MANAGEMENT ACT, 2002

3. (1) The *Nutrient Management Act, 2002* is amended by adding the following section:

Power to require response to inquiries

28.1 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

- d) prescrire les dates et les exigences pour la mise à jour périodique des enregistrements;
- e) régir les activités prescrites par règlement pour l'application du paragraphe 20.21 (1);
- f) prescrire les mesures qu'un agent provincial peut exiger dans un avis donné en vertu de l'article 157.4;
- g) exiger que les personnes ayant les qualités requises précisées dans les règlements joignent des attestations aux enregistrements;
- h) régir les attestations mentionnées à l'alinéa g);
- i) régir les exigences en matière de garantie financière à l'égard d'activités prescrites par règlement pour l'application du paragraphe 20.21 (1) et les modes de calcul de celle-ci, et prescrire les mesures d'ordre environnemental pour lesquelles une garantie financière peut être exigée;
- j) exiger des personnes prescrites par règlement qu'elles souscrivent une assurance et préciser l'assurance à souscrire ainsi que les restrictions et conditions applicables à la couverture d'assurance.

(19) Les paragraphes 176 (2.2) à (2.4) de la Loi sont abrogés.

LOI DE 2002 SUR LA GESTION DES ÉLÉMENTS NUTRITIFS

3. (1) La Loi de 2002 sur la gestion des éléments nutritifs est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

28.1 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnables, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(2) Subsection 29 (1) of the Act is repealed and the following substituted:

Order for preventive measures

(1) A provincial officer or Director may issue an order to any of the following persons if the officer or Director, as the case may be, has reasonable grounds to believe that an adverse effect described in subsection 18 (3) will result or is likely to result if materials containing nutrients are discharged into the natural environment, other than the air, from anything undertaken on, in or from lands, premises, vehicles or vessels:

1. A person who owns or who has management or control of lands or premises that the provincial officer may enter under section 13 or 16.
2. A person who operates a vehicle or vessel that the provincial officer may signal to stop or that is required to report under section 14.

(3) Clause 29 (3) (a) of the Act is amended by striking out “undertaken on or in the lands and premises; and” at the end and substituting “undertaken on, in or from lands, premises, vehicles or vessels; and”.

ONTARIO WATER RESOURCES ACT

4. (1) Section 15.0.1 of the *Ontario Water Resources Act* is amended by adding the following subsections:

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(2) The French version of clause 53 (6) (b) of the Act is amended by striking out “égout séparatif” at the end substituting “égout sanitaire”.

(3) The French version of subsection 53 (6.1) of the Act is amended by striking out “ne s’applique pas” in the portion before clause (a) and substituting “s’applique”.

PESTICIDES ACT

5. The *Pesticides Act* is amended by adding the following section:

Power to require response to inquiries

26.0.1 (1) For the purposes of determining compliance

(2) Le paragraphe 29 (1) de la Loi est abrogé et remplacé par ce qui suit :

Arrêté de prévention

(1) L’agent provincial ou le directeur peut prendre un arrêté visant une des personnes suivantes s’il a des motifs raisonnables de croire qu’une conséquence préjudiciable visée au paragraphe 18 (3) aura lieu ou aura vraisemblablement lieu si une chose qui est entreprise sur ou dans les biens-fonds, les locaux, les véhicules ou les embarcations, ou à partir de ceux-ci, cause le rejet de matières contenant des éléments nutritifs dans l’environnement naturel, sauf l’air :

1. Une personne qui est propriétaire de biens-fonds ou de locaux où l’agent provincial peut pénétrer en vertu de l’article 13 ou 16, ou qui en assure la gestion ou en a le contrôle.
2. Une personne qui conduit un véhicule ou une embarcation auquel l’agent provincial peut faire signe de s’arrêter ou qui est tenue de se présenter en application de l’article 14.

(3) L’alinéa 29 (3) a) de la Loi est modifié par remplacement de «entreprise sur ou dans les biens-fonds et les locaux» par «entreprise sur ou dans les biens-fonds, les locaux, les véhicules ou les embarcations, ou à partir de ceux-ci» à la fin de l’alinéa.

LOI SUR LES RESSOURCES EN EAU DE L’ONTARIO

4. (1) L’article 15.0.1 de la *Loi sur les ressources en eau de l’Ontario* est modifié par adjonction des paragraphes suivants :

Production de documents

(3) Lorsqu’il exige qu’une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l’objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu’une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(2) La version française de l’alinéa 53 (6) b) de la Loi est modifiée par remplacement de «égout séparatif» par «égout sanitaire» à la fin de l’alinéa.

(3) La version française du paragraphe 53 (6.1) de la Loi est modifiée par remplacement de «ne s’applique pas» par «s’applique» dans le passage qui précède l’alinéa a).

LOI SUR LES PESTICIDES

5. La *Loi sur les pesticides* est modifiée par adjonction de l’article suivant :

Pouvoir d’exiger des réponses

26.0.1 (1) Pour déterminer si une personne se con-

of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

SAFE DRINKING WATER ACT, 2002

6. (1) The English version of the definition of “drinking water system” in subsection 2 (1) of the *Safe Drinking Water Act, 2002* is amended by striking out “and that includes” in the portion before clause (a) and substituting “and includes”.

(2) Subsections 12 (2) to (4) of the Act are repealed.

(3) Section 30 of the Act is repealed and the following substituted:

Definition

30. In this Part,

“financial plans” means financial plans that satisfy the requirements prescribed by the Minister.

(4) Subparagraph 2 ii of subsection 32 (5) of the Act is repealed and the following substituted:

- ii. proof satisfactory to the Director that the financial plans for the system satisfy the requirements under this Act if the Minister prescribes requirements referred to in the definition of “financial plans” in section 30.

(5) The Act is amended by adding the following section:

Power to require response to inquiries

104.1 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

forme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnables, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

6. (1) La version anglaise de la définition de «drinking water system» au paragraphe 2 (1) de la *Loi de 2002 sur la salubrité de l'eau potable* est modifiée par remplacement de «and that includes» par «and includes» dans le passage qui précède l'alinéa a).

(2) Les paragraphes 12 (2) à (4) de la Loi sont abrogés.

(3) L'article 30 de la Loi est abrogé et remplacé par ce qui suit :

Définition

30. La définition qui suit s'applique à la présente partie.

«plans financiers» Plans financiers qui satisfont aux exigences que prescrit le ministre.

(4) La sous-disposition 2 ii du paragraphe 32 (5) de la Loi est abrogée et remplacée par ce qui suit :

- ii. une preuve que le directeur estime satisfaisante et portant que les plans financiers du réseau satisfont aux exigences prévues par la présente loi, si le ministre prescrit les exigences visées à la définition de «plans financiers» à l'article 30.

(5) La Loi est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

104.1 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnables, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(6) Subsection 127 (2) of the Act is repealed and the following substituted:

Exception, decisions requested or consented to

(2) Subsections (1) and (1.1) do not apply to a decision made at the request or with the consent of,

- (a) the applicant for, or holder of, the permit, licence, certificate or approval, if the decision concerns a permit, licence, certificate or approval; or
- (b) the person to whom the order is issued, if the decision concerns an order.

(7) Clause 128 (1) (a) of the Act is repealed and the following substituted:

- (a) if the decision concerns a permit, licence, certificate or approval, on the applicant for, or the holder of, the permit, licence, certificate or approval; or

(8) Clause 129 (3) (a) of the Act is repealed and the following substituted:

- (a) the aspect of the decision, including the portion of the permit, licence, certificate, approval, order or notice of administrative penalty in respect of which the hearing is required; and

TOXICS REDUCTION ACT, 2009

7. The *Toxics Reduction Act, 2009* is amended by adding the following section:

Power to require response to inquiries

26.2 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(6) Le paragraphe 127 (2) de la Loi est abrogé et remplacé par ce qui suit :

Exception : décisions demandées ou acceptées

(2) Les paragraphes (1) et (1.1) ne s'appliquent pas à la décision prise à la demande ou avec le consentement d'une des personnes suivantes, selon le cas :

- a) si la décision a trait à un permis, à un certificat ou à une approbation, l'auteur de la demande du permis, du certificat ou de l'approbation ou le titulaire du permis, du certificat ou de l'approbation;
- b) si la décision a trait à un arrêté, la personne contre laquelle il est pris.

(7) L'alinéa 128 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

- a) soit, si la décision a trait à un permis, à un certificat ou à une approbation, à l'auteur de la demande du permis, du certificat ou de l'approbation ou au titulaire du permis, du certificat ou de l'approbation;

(8) L'alinéa 129 (3) a) de la Loi est abrogé et remplacé par ce qui suit :

- a) d'une part, le volet de la décision, notamment la partie du permis, du certificat, de l'approbation, de l'arrêté ou de l'avis de pénalité administrative, qui fait l'objet de la demande d'audience;

LOI DE 2009 SUR LA RÉDUCTION DES TOXIQUES

7. La Loi de 2009 sur la réduction des toxiques est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

26.2 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnables, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent pro-

*Ministry of the Environment and Climate Change**Ministère de l'Environnement et de l'Action
en matière de changement climatique*

officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

COMMENCEMENT**Commencement**

8. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

vincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

ENTRÉE EN VIGUEUR**Entrée en vigueur**

8. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

**SCHEDULE 12
MINISTRY OF GOVERNMENT
AND CONSUMER SERVICES**

BUSINESS CORPORATIONS ACT

1. (1) Clause (c) of the definition of “resident Canadian” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “*Immigration Act (Canada)*” and substituting “*Immigration and Refugee Protection Act (Canada)*”.

(2) Clause 2 (3) (d) of the Act is amended by striking out “*Credit Unions and Caisses Populaires Act*” and substituting “*Credit Unions and Caisses Populaires Act, 1994*”.

(3) Clause 56 (1) (b) of the Act is amended by striking out “*Ontario Business Corporations Act*” and substituting “*Business Corporations Act (Ontario)*”.

(4) Subsection 101 (1) of the Act is repealed and the following substituted:

Quorum

(1) Unless the by-laws provide otherwise, a quorum of shareholders is present at a meeting of shareholders, irrespective of the number of persons actually present at the meeting, if the holders of a majority of the shares entitled to vote at the meeting are present in person or represented by proxy.

(5) The French version of subsection 108 (5.1) of the Act is repealed and the following substituted:

Convention unanime des actionnaires

(5.1) Le présent article n'empêche pas les actionnaires de restreindre leur pouvoir discrétionnaire dans l'exercice, au titre d'une convention unanime des actionnaires, des pouvoirs des administrateurs.

(6) Subsections 126 (1) and (2) of the Act are repealed and the following substituted:

Directors' meetings

(1) Unless the articles or by-laws provide otherwise, the directors may meet at any place.

(7) Subsection 126 (3) of the Act is amended by striking out “but in no case shall a quorum be less than two-fifths of the number of directors or minimum number of directors, as the case may be”.

(8) Subsection 126 (14) of the Act is repealed.

(9) Section 129 of the Act is amended by adding the following subsection:

Evidence

(3) An entry in the minutes of a meeting to the effect that the chair of the meeting declared a resolution to be carried or defeated is, in the absence of evidence to the

**ANNEXE 12
MINISTÈRE DES SERVICES
GOUVERNEMENTAUX ET DES
SERVICES AUX CONSOMMATEURS**

LOI SUR LES SOCIÉTÉS PAR ACTIONS

1. (1) L'alinéa c) de la définition de «résident canadien» au paragraphe 1 (1) de la *Loi sur les sociétés par actions* est modifié par remplacement de «*Loi sur l'immigration (Canada)*» par «*Loi sur l'immigration et la protection des réfugiés (Canada)*».

(2) L'alinéa 2 (3) d) de la Loi est modifié par remplacement de «*Loi sur les caisses populaires et les credit unions*» par «*Loi de 1994 sur les caisses populaires et les credit unions*».

(3) L'alinéa 56 (1) b) de la Loi est modifié par remplacement de «*Loi ontarienne sur les sociétés par actions*» par «*Loi sur les sociétés par actions (Ontario)*» à la fin de l'alinéa.

(4) Le paragraphe 101 (1) de la Loi est abrogé et remplacé par ce qui suit :

Quorum

(1) Sauf disposition contraire des règlements administratifs, le quorum des actionnaires à une assemblée des actionnaires est atteint, quel que soit le nombre de personnes effectivement présentes à l'assemblée, lorsque sont présents ou représentés les détenteurs d'actions disposant de la majorité des voix qui peuvent être exprimées à l'assemblée.

(5) La version française du paragraphe 108 (5.1) de la Loi est abrogée et remplacée par ce qui suit :

Convention unanime des actionnaires

(5.1) Le présent article n'empêche pas les actionnaires de restreindre leur pouvoir discrétionnaire dans l'exercice, au titre d'une convention unanime des actionnaires, des pouvoirs des administrateurs.

(6) Les paragraphes 126 (1) et (2) de la Loi sont abrogés et remplacés par ce qui suit :

Réunions du conseil

(1) Sauf disposition contraire des statuts ou des règlements administratifs, les administrateurs peuvent se réunir en tout lieu.

(7) Le paragraphe 126 (3) de la Loi est modifié par suppression de «Toutefois, le quorum ne doit en aucun cas être inférieur aux deux cinquièmes du nombre fixe ou du nombre minimal d'administrateurs, selon le cas.» à la fin du paragraphe.

(8) Le paragraphe 126 (14) de la Loi est abrogé.

(9) L'article 129 de la Loi est modifié par adjonction du paragraphe suivant :

Preuve

(3) L'inscription au procès-verbal d'une réunion selon laquelle le président de la réunion a déclaré une résolution adoptée ou rejetée fait foi, en l'absence de preuve con-

contrary, proof of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(10) Subclauses (a) (i), (ii) and (iii) of subsection 141 (1) of the Act are amended by adding “and an e-mail address if one is provided” after “if any” wherever it appears.

BUSINESS REGULATION REFORM ACT, 1994

2. (1) Section 8 of the *Business Regulation Reform Act, 1994* is amended by adding the following subsection:

Same, certain corporations

(3.2) The Minister responsible for the administration of this section may enter into agreements with a corporation that administers a designated Act or provisions of a designated Act on behalf of the Government of Ontario or with a Crown corporation that exercises powers or performs duties under a designated Act respecting whether the corporation must,

- (a) assign business identifiers to businesses in accordance with the system of business identifiers established under this section; and
- (b) use the system of business identifiers for any other purpose.

(2) Subsection 8.1 (1) of the Act is amended by adding “and update previously provided business information provided to him or her” at the end.

(3) Section 8.1 of the Act is amended by adding the following subsection:

Minister may require business information, certain corporations

(4.1) If an agreement mentioned in subsection 8 (3.2) is entered into with a corporation, the Minister responsible for the administration of this section,

- (a) may require that the corporation provide prescribed business information to the Minister; and
- (b) may receive business information from the corporation.

(4) Subsection 8.1 (5) of the Act is amended by striking out “subsection (4)” in the portion before clause (a) and substituting “subsection (4) or (4.1)”.

(5) Subsection 8.1 (6) of the Act is amended by striking out “subsection (4)” wherever it appears and substituting in each case “subsection (4) or (4.1)”.

(6) Clause 8.1 (7) (a) of the Act is amended by striking out “subsections (1) and (4)” and substituting “subsections (1), (4) and (4.1)”.

traire, de ce fait, sans qu’il soit nécessaire de prouver le nombre ou la proportion des voix exprimées en faveur de la résolution ou contre elle.

(10) Les sous-alinéas a) (i), (ii) et (iii) du paragraphe 141 (1) de la Loi sont modifiés par insertion de «de même qu’une adresse électronique, si elle est fournie,» après «le cas échéant,» partout où figure cette expression.

LOI DE 1994 PORTANT RÉFORME DE LA RÉGLEMENTATION DES ENTREPRISES

2. (1) L’article 8 de la *Loi de 1994 portant réforme de la réglementation des entreprises* est modifié par adjonction du paragraphe suivant :

Idem : certaines personnes morales

(3.2) Le ministre chargé de l’application du présent article peut conclure, avec une personne morale qui applique une loi désignée ou des dispositions d’une loi désignée pour le compte du gouvernement de l’Ontario ou avec une société de la Couronne qui exerce les pouvoirs ou les fonctions que lui attribue une loi désignée, des accords quant à la question de savoir si la personne morale ou la société de la Couronne doit :

- a) d’une part, attribuer des identificateurs d’entreprises conformément au système d’identificateurs d’entreprises établi en vertu du présent article;
- b) d’autre part, utiliser le système d’identificateurs d’entreprises à toute autre fin.

(2) Le paragraphe 8.1 (1) de la Loi est modifié par remplacement de «qu’une personne qu’elle vise lui fournisse les renseignements commerciaux prescrits» par «qu’une personne visée par cette loi lui fournisse les renseignements commerciaux prescrits et qu’elle mette à jour des renseignements commerciaux fournis antérieurement au ministre» à la fin du paragraphe.

(3) L’article 8.1 de la Loi est modifié par adjonction du paragraphe suivant :

Renseignements commerciaux pouvant être exigés par le ministre :
certaines personnes morales

(4.1) Si un accord visé au paragraphe 8 (3.2) est conclu avec une personne morale, le ministre chargé de l’application du présent article peut :

- a) d’une part, exiger que la personne morale lui fournisse les renseignements commerciaux prescrits;
- b) d’autre part, recevoir des renseignements commerciaux de la personne morale.

(4) Le paragraphe 8.1 (5) de la Loi est modifié par remplacement de «paragraphe (4)» par «paragraphe (4) ou (4.1)» dans le passage qui précède l’alinéa a).

(5) Le paragraphe 8.1 (6) de la Loi est modifié par remplacement de «paragraphe (4)» par «paragraphe (4) ou (4.1)».

(6) L’alinéa 8.1 (7) a) de la Loi est modifié par remplacement de «paragraphe (1) et (4)» par «paragraphe (1), (4) et (4.1)».

CONSUMER PROTECTION ACT, 2002

3. (1) Paragraph 2 of subsection 103 (2) of the *Consumer Protection Act, 2002* is repealed and the following substituted:

2. A failure by a supplier to provide a document or other evidence as required by the Ministry under subsection 105 (4).

(2) Subsection 103 (2) of the Act is amended by adding the following paragraph:

- 3.1 Compliance order issued under this Act.

(3) Section 103 of the Act is amended by adding the following subsections:

Additional information

(2.2) If information is required to be made public with respect to a supplier under subsection (2) or the regulations, the Director shall include in the public record in respect of the supplier, all of the following information, if known to the Director:

1. All of the supplier's business names and business locations.
2. Any other prescribed information about the supplier's business.

Agreements for shared information

(2.3) The Director may enter into an agreement with any of the following entities for that entity to disclose information to the Ministry for the purpose of making the information publicly available for the purposes of this section:

1. Another ministry of the Government of Ontario, a corporation that administers legislation on behalf of that Government or an agency, board or commission established under an Act of Ontario.
2. A municipality in Ontario or one of its agencies, boards or commissions.
3. The Government of Canada or one of its ministries, departments, agencies, boards or commissions.

Public record

(2.4) If the Ministry receives information pursuant to an agreement described in subsection (2.3), the Director shall maintain a public record of the information in addition to the public record described in subsection (2).

Freedom of information legislation

(2.5) The disclosure of personal information in a public record under this section is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*.

(4) Section 105 of the Act is amended by adding the following subsections:

**LOI DE 2002 SUR LA PROTECTION
DU CONSOMMATEUR**

3. (1) La disposition 2 du paragraphe 103 (2) de la *Loi de 2002 sur la protection du consommateur* est abrogée et remplacée par ce qui suit :

2. Les omissions, par un fournisseur, de fournir un document ou une autre preuve exigé par le ministère en vertu du paragraphe 105 (4).

(2) Le paragraphe 103 (2) de la Loi est modifié par adjonction de la disposition suivante :

- 3.1 Les ordonnances d'observation prises ou rendues en vertu de la présente loi.

(3) L'article 103 de la Loi est modifié par adjonction des paragraphes suivants :

Renseignements supplémentaires

(2.2) Si des renseignements concernant un fournisseur doivent être rendus publics en application du paragraphe (2) ou des règlements, le directeur inclut dans le registre public portant sur le fournisseur tous les renseignements suivants, s'il les connaît :

1. Tous les noms et emplacements commerciaux du fournisseur.
2. Tout autre renseignement prescrit au sujet des activités commerciales du fournisseur.

Accords sur la communication de renseignements

(2.3) Le directeur peut conclure un accord avec n'importe laquelle des entités suivantes pour que cette dernière divulgue des renseignements au ministère dans le but de les rendre publics pour l'application du présent article :

1. Un autre ministère du gouvernement de l'Ontario, une société qui applique des textes législatifs pour le compte de ce gouvernement ou un organisme, un conseil ou une commission créé par une loi de l'Ontario.
2. Une municipalité en Ontario ou l'un de ses organismes, conseils ou commissions.
3. Le gouvernement du Canada ou l'un de ses ministères, organismes, conseils ou commissions.

Registre public

(2.4) Si le ministère reçoit des renseignements conformément à un accord visé au paragraphe (2.3), le directeur tient un registre public de ces renseignements en plus du registre public visé au paragraphe (2).

Législation sur l'accès à l'information

(2.5) La divulgation de renseignements personnels dans un registre public en application du présent article est réputée conforme à l'alinéa 42 (1) e) de la *Loi sur l'accès à l'information et la protection de la vie privée*.

(4) L'article 105 de la Loi est modifié par adjonction des paragraphes suivants :

Mediation

(2) The Ministry may mediate a complaint if the parties to the complaint agree to mediation.

Agreement to mediate

(3) The agreement to mediate a complaint shall be signed by the parties to the complaint and be on a form approved by the Director that contains the terms and conditions of the mediation and the parties' obligations regarding the mediation.

Documents and other evidence

(4) If the Ministry attempts to mediate or resolve a complaint involving a supplier and a consumer, the Ministry may request in writing that either party to the mediation provide, to the Ministry within the time specified by the Ministry, documents or other evidence that are relevant to the complaint.

Supplier's failure to respond

(5) If a supplier fails to provide a document or other evidence as required by the Ministry under subsection (4), the Director shall include the supplier's name and the record of the failure as part of the public record described in paragraph 2 of subsection 103 (2).

Consumer's failure to respond

(6) If a consumer fails to provide a document or other evidence as required by the Ministry under subsection (4), the Ministry shall take no other action in relation to the mediation.

Director's powers saved

(7) Nothing in a mediation or its results affects the authority of the Director to address the complaint even if the mediation results in a settlement.

Protection of settlement records

(8) None of the records, evidence or information that are disclosed in the course of attempting to effect a settlement and that are subject to mediation privilege shall be used or disclosed outside the attempted settlement.

Protection for mediator

(9) A person who conducts a mediation under this section shall not be required to testify in a civil proceeding or in a proceeding before any tribunal respecting the mediation.

(5) Section 105.2 of the Act is amended by adding the following subsections:

Additional contact

(10.1) In addition to the power to enter a place under this section, an inspector may, by any means, contact any person who is in control of the operations of a supplier and may exercise the powers that he or she has to conduct an inspection under this section with respect to the supplier or person, without entering any place, if the inspector establishes that,

- (a) the supplier is subject to this Act; and

Médiation

(2) Le ministère peut régler une plainte par la médiation si les parties à la plainte acceptent la médiation.

Accord de médiation

(3) L'accord de médiation d'une plainte est signé par les parties à la plainte et est rédigé sous une forme approuvée par le directeur qui stipule les conditions de la médiation et les obligations des parties dans le cadre de la médiation.

Documents et autres preuves

(4) S'il tente de régler ou de résoudre par la médiation une plainte mettant en cause un fournisseur et un consommateur, le ministère peut demander par écrit à chaque partie à la médiation de lui fournir, dans le délai qu'il précise, les documents ou autres preuves se rapportant à la plainte.

Défaut de répondre du fournisseur

(5) Si un fournisseur omet de fournir un document ou une autre preuve exigé par le ministère en vertu du paragraphe (4), le directeur consigne le nom du fournisseur ainsi que l'omission dans le registre public prévu à la disposition 2 du paragraphe 103 (2).

Défaut de répondre du consommateur

(6) Si un consommateur omet de fournir un document ou une autre preuve exigé par le ministère en vertu du paragraphe (4), le ministère ne prend aucune autre mesure à l'égard de la médiation.

Pouvoirs du directeur préservés

(7) La médiation ou son résultat n'a pas pour effet de porter atteinte au pouvoir du directeur de traiter la plainte, même si la médiation donne lieu à un règlement.

Protection des dossiers de règlement

(8) Aucun des dossiers, preuves ou renseignements divulgués dans le cadre de la tentative de règlement qui sont assujettis à un privilège relatif à la médiation ne doit être utilisé ou divulgué à une autre fin.

Protection du médiateur

(9) La personne qui mène une médiation prévue au présent article n'est pas tenue de témoigner dans les instances civiles ni dans les instances introduites devant les tribunaux administratifs ou autres en ce qui concerne la médiation.

(5) L'article 105.2 de la Loi est modifié par adjonction des paragraphes suivants :

Communication supplémentaire

(10.1) En plus du pouvoir de pénétrer dans un lieu prévu au présent article, l'inspecteur peut, de quelque façon que ce soit, communiquer avec n'importe quelle personne ayant le contrôle des activités du fournisseur, et peut exercer ses pouvoirs d'inspection prévus au présent article à l'égard du fournisseur ou de la personne sans pénétrer dans un lieu, si l'inspecteur établit ce qui suit :

- a) le fournisseur est assujéti à la présente loi;

- (b) the person is in control of the operations of the supplier.

Identification

(10.2) An inspector who establishes contact with a person under subsection (10.1) shall provide a written confirmation to the person of the inspector's authority to conduct the inspection, whether or not there is a request under subsection (5).

Time for production

(10.3) If an inspector establishes contact with a person under subsection (10.1) and requires the person to produce a record or other thing under clause (6) (b), the person shall provide the record or other thing to the inspector in the manner specified by the inspector and within the time specified by the inspector, which shall not be less than 15 days from the day of the demand to produce.

Duty to assist

(10.4) A person who is contacted by an inspector under subsection (10.1) shall assist the inspector in accordance with subsection (8), subject to the time period mentioned in subsection (10.3).

(6) Subsection 105.3 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Delegation of order-making powers

(1) The Director may delegate to an inspector, subject to any conditions set out in the delegation, the power to make any proposal or order that the Director may make under the following sections and a proposal or order made by an inspector pursuant to such a delegation is, for all purposes, as effective as if it were made by the Director:

(7) Subsection 105.3 (3) of the Act is repealed and the following substituted:

References to Director

(3) If an inspector has made a proposal or an order pursuant to a delegation under this section, every reference to the Director in or with respect to the section under which the proposal or order, as the case may be, was made and every reference to the Director in sections 121 and 122 is deemed to be a reference to that inspector.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

4. (1) Clause 24 (1) (a) of the *Freedom of Information and Protection of Privacy Act* is repealed and the following substituted:

- (a) make a request in writing to the institution that the person believes has custody or control of the record, and specify that the request is being made under this Act;

- b) la personne a le contrôle des activités du fournisseur.

Identification

(10.2) L'inspecteur qui communique avec une personne en vertu du paragraphe (10.1) lui fournit une confirmation écrite de son pouvoir d'effectuer l'inspection, qu'une demande lui soit faite ou non en application du paragraphe (5).

Délai de production

(10.3) Si l'inspecteur communique avec une personne en vertu du paragraphe (10.1) et lui demande de produire un dossier ou une autre chose en vertu de l'alinéa (6) b), la personne remet le dossier ou la chose à l'inspecteur de la façon et dans le délai qu'il précise, ce délai devant être d'au moins 15 jours à partir du jour où la demande de production est faite.

Obligation d'aider

(10.4) La personne avec qui l'inspecteur communique en vertu du paragraphe (10.1) aide l'inspecteur conformément au paragraphe (8), sous réserve du délai mentionné au paragraphe (10.3).

(6) Le paragraphe 105.3 (1) de la Loi est modifié par remplacement du passage qui précède la disposition 1 par ce qui suit :

Délégation des pouvoirs de prendre une ordonnance

(1) Le directeur peut déléguer à un inspecteur, sous réserve des conditions énoncées dans la délégation, le pouvoir d'envisager de prendre une ordonnance ou le pouvoir de prendre une ordonnance qu'a le directeur en vertu des articles suivants, auquel cas l'ordonnance envisagée ou prise par un inspecteur en vertu d'une telle délégation a, à toutes fins, le même effet que si elle avait été envisagée ou prise par le directeur :

(7) Le paragraphe 105.3 (3) de la Loi est abrogé et remplacé par ce qui suit :

Mentions du directeur

(3) Si un inspecteur envisage de prendre une ordonnance ou prend une ordonnance en vertu d'une délégation visée au présent article, chaque mention du directeur à l'article ou relativement à l'article en vertu duquel l'ordonnance a été envisagée ou prise, selon le cas, et chaque mention du directeur aux articles 121 et 122 vaut mention de cet inspecteur.

LOI SUR L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE

4. (1) L'alinéa 24 (1) a) de la Loi sur l'accès à l'information et la protection de la vie privée est abrogé et remplacé par ce qui suit :

- a) s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document et précise que la demande est présentée en vertu de la présente loi;

(2) Clause 48 (1) (a) of the Act is repealed and the following substituted:

- (a) make a request in writing to the institution that the individual believes has custody or control of the personal information, and specify that the request is being made under this Act;

LAND TITLES ACT

5. (1) The definitions of “fraudulent instrument” and “fraudulent person” in section 1 of the *Land Titles Act* are repealed and the following substituted:

“fraudulent instrument” means a registered instrument,

- (a) that facilitates or perpetrates fraud with respect to an estate or interest in land,
- (b) that is registered subsequent to an instrument described in clause (a) and on the title to the same property affected by that instrument and that is made by a person who facilitated or perpetrated the fraud under that instrument, or
- (c) that is a transfer of a charge, if the charge is an instrument described in clause (a); (“acte frauduleux”)

(2) Subsections 39 (2) to (5) of the Act are repealed and the following substituted:

Registration of easements

(2) If an easement described in subsection (3) is granted and if the evidence of the easement that the Director of Titles requires is produced to that Director, the easement shall be registered on title to the servient lands and may be registered on title to the dominant lands.

Same

(3) Subsection (2) applies to an easement in or over registered land that is granted as appurtenant to land registered in a registry division or an easement in or over land registered in a registry division that is granted as appurtenant to registered land.

Manner of recording

(4) The recording of the easement shall be done in the manner specified by the Director of Titles.

(3) Subsection (2) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures)*, 2012 does not come into force before the day subsection (2) comes into force.

(4) Subsections 39 (2) and (4) of the Act, as enacted by subsection (2), are repealed and the following substituted:

Registration of easements

(2) If an easement described in subsection (3) is granted and if the evidence of the easement that the Director requires is produced to the Director, the easement shall be

(2) L’alinéa 48 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

- a) en fait la demande par écrit à l’institution qui, à son avis, a la garde ou le contrôle de ces renseignements et précise que la demande est présentée en vertu de la présente loi;

LOI SUR L’ENREGISTREMENT DES DROITS IMMOBILIERS

5. (1) Les définitions de «acte frauduleux» et de «fraudeur» à l’article 1 de la *Loi sur l’enregistrement des droits immobiliers* sont abrogées et remplacées par ce qui suit :

«acte frauduleux» Acte enregistré :

- a) soit qui facilite ou qui constitue une fraude à l’égard d’un domaine ou d’un droit sur un bien-fonds;
- b) soit qui est enregistré après un acte visé à l’alinéa a) et sur le titre de la même unité foncière que vise cet acte, et qui est fait par une personne qui a facilité ou perpétré la fraude au moyen de cet acte;
- c) soit qui représente la cession d’une charge, si la charge est un acte visé à l’alinéa a). («fraudulent instrument»)

(2) Les paragraphes 39 (2) à (5) de la Loi sont abrogés et remplacés par ce qui suit :

Enregistrement des servitudes

(2) Si une servitude visée au paragraphe (3) est concédée et si la preuve de la servitude qu’exige le directeur des droits immobiliers lui est produite, la servitude doit être enregistrée sur le titre du fonds servant et peut être enregistrée sur le titre du fonds dominant.

Idem

(3) Le paragraphe (2) s’applique à une servitude relative à un bien-fonds enregistré qui est concédée en qualité de dépendance du bien-fonds enregistré dans une division d’enregistrement des actes ou à une servitude relative à un bien-fonds enregistré dans une division d’enregistrement des actes qui est concédée en qualité de dépendance du bien-fonds enregistré.

Consignation

(4) La consignation d’une servitude se fait de la façon que précise le directeur des droits immobiliers.

(3) Le paragraphe (2) ne s’applique que si le paragraphe 1 (1) de l’annexe 28 de la *Loi de 2012 sur une action énergétique pour l’Ontario (mesures budgétaires)* n’entre pas en vigueur avant le jour de l’entrée en vigueur du paragraphe (2).

(4) Les paragraphes 39 (2) et (4) de la Loi, tels qu’ils sont réédités par le paragraphe (2), sont abrogés et remplacés par ce qui suit :

Enregistrement des servitudes

(2) Si une servitude visée au paragraphe (3) est concédée et si la preuve de la servitude qu’exige le directeur lui est produite, la servitude doit être enregistrée sur le titre

registered on title to the servient lands and may be registered on title to the dominant lands.

Manner of recording

(4) The recording of the easement shall be done in the manner specified by the Director.

(5) Subsection (4) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force on or before the day subsection (4) comes into force.

(6) Clause 61 (2) (a) of the Act is repealed and the following substituted:

- (a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, upon providing the Director of Titles with proof of the co-owner's percentage of ownership in the manner specified by the Director of Titles; or

(7) Subsection (6) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* does not come into force before the day subsection (6) comes into force.

(8) Clause 61 (2) (a) of the Act, as re-enacted by subsection (6), is repealed and the following substituted:

- (a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, upon providing the Director with proof of the co-owner's percentage of ownership in the manner specified by the Director; or

(9) Subsection (8) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force on or before the day subsection (8) comes into force.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

6. (1) Clause 17 (1) (a) of the *Municipal Freedom of Information and Protection of Privacy Act* is repealed and the following substituted:

- (a) make a request in writing to the institution that the person believes has custody or control of the record, and specify that the request is being made under this Act;

(2) Clause 37 (1) (a) of the Act is repealed and the following substituted:

- (a) make a request in writing to the institution that the individual believes has custody or control of the personal information, and specify that the request is being made under this Act;

PERSONAL PROPERTY SECURITY ACT

7. (1) The French version of subsection 41 (2) of the

du fonds servant et peut être enregistrée sur le titre du fonds dominant.

Consignation

(4) La consignation d'une servitude se fait de la façon que précise le directeur.

(5) Le paragraphe (4) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la *Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)* entre en vigueur au plus tard le jour de l'entrée en vigueur du paragraphe (4).

(6) L'alinéa 61 (2) a) de la Loi est abrogé et remplacé par ce qui suit :

- a) céder ou grever une part déterminée du bien-fonds ou céder une part de la charge, selon le cas, en fournissant au directeur des droits immobiliers la preuve de la proportion dont il est propriétaire de la façon que précise le directeur des droits immobiliers;

(7) Le paragraphe (6) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la *Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)* n'entre pas en vigueur avant le jour de l'entrée en vigueur du paragraphe (6).

(8) L'alinéa 61 (2) a) de la Loi, tel qu'il est réédité par le paragraphe (6), est abrogé et remplacé par ce qui suit :

- a) céder ou grever une part déterminée du bien-fonds ou céder une part de la charge, selon le cas, en fournissant au directeur la preuve de la proportion dont il est propriétaire de la façon que précise le directeur;

(9) Le paragraphe (8) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la *Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)* entre en vigueur au plus tard le jour de l'entrée en vigueur du paragraphe (8).

LOI SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE

6. (1) L'alinéa 17 (1) a) de la *Loi sur l'accès à l'information municipale et la protection de la vie privée* est abrogé et remplacé par ce qui suit :

- a) s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document et précise que la demande est présentée en vertu de la présente loi;

(2) L'alinéa 37 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

- a) en fait la demande par écrit à l'institution qui, à son avis, a la garde ou le contrôle de ces renseignements et précise que la demande est présentée en vertu de la présente loi;

LOI SUR LES SÛRETÉS MOBILIÈRES

7. (1) La version française du paragraphe 41 (2) de

Personal Property Security Act is amended by striking out “ville de Toronto” and substituting “cité de Toronto”.

(2) Section 46 of the Act is amended by adding the following subsections:

Copy not required

(6.1) A copy of a verification statement is not required if the debtor has waived in writing the right to receive a copy.

Same

(6.2) Subsection (6.1) applies where the financing statement or financing change statement to which the verification statement relates is registered on or after the day subsection 7 (2) of Schedule 12 to the *Burden Reduction Act, 2016* comes into force.

TECHNICAL STANDARDS AND SAFETY ACT, 2000

8. (1) Subsection 22 (1) of the *Technical Standards and Safety Act, 2000* is repealed and the following substituted:

Appeal

(1) Any person affected by an order under clause 21 (1) (a), the affixing of a seal under subsection 18 (4) or clause 21 (1) (b) or a requirement to pay fees under clause 19 (1) (b) may appeal to a director within 90 days of the service of the order, the affixing of the seal or the time at which the person is required to pay the fees, as the case may be.

(2) Clause 34 (1) (a) of the Act is amended by adding “other than a matter or thing described as prescribed in clause 35.1 (2) (a)” at the end.

(3) Subsections 34 (2) and (3) of the Act are repealed.

(4) Subsections 35.1 (2) and (3) of the Act are repealed and the following substituted:

Same, insurance

(2) The Minister may make regulations,

(a) requiring every person who is subject to this Act or the regulations to obtain and maintain liability insurance, in at least the prescribed amount and in accordance with the prescribed conditions, including deductibles; and

(b) prescribing any matter or thing described in clause (a) as prescribed.

GOOD GOVERNMENT ACT, 2011

9. Subsections 1 (12) and (13) of Schedule 2 to the *Good Government Act, 2011* are repealed.

la Loi sur les sûretés mobilières est modifiée par remplacement de «ville de Toronto» par «cité de Toronto».

(2) L'article 46 de la Loi est modifié par adjonction des paragraphes suivants :

Copie non requise

(6.1) Une copie de l'état de vérification n'est pas requise si le débiteur a renoncé par écrit au droit de recevoir une copie.

Idem

(6.2) Le paragraphe (6.1) s'applique si l'état de financement ou l'état de modification du financement auquel l'état de vérification se rapporte est enregistré le jour de l'entrée en vigueur du paragraphe 7 (2) de l'annexe 12 de la *Loi de 2016 sur l'allègement du fardeau réglementaire* ou par la suite.

**LOI DE 2000 SUR LES NORMES TECHNIQUES
ET LA SÉCURITÉ**

8. (1) Le paragraphe 22 (1) de la *Loi de 2000 sur les normes techniques et la sécurité* est abrogé et remplacé par ce qui suit :

Appel

(1) Toute personne visée par un ordre donné en vertu de l'alinéa 21 (1) a), par l'apposition de scellés en vertu du paragraphe 18 (4) ou de l'alinéa 21 (1) b) ou par l'exigence de payer les frais imposée en application de l'alinéa 19 (1) b) peut interjeter appel devant un directeur dans les 90 jours qui suivent la signification de l'ordre, l'apposition des scellés ou le moment où elle est tenue de payer les frais, selon le cas.

(2) L'alinéa 34 (1) a) de la Loi est modifié par insertion de « , à l'exception d'une question ou chose mentionnée comme étant prescrite à l'alinéa 35.1 (2) a) » à la fin de l'alinéa.

(3) Les paragraphes 34 (2) et (3) de la Loi sont abrogés.

(4) Les paragraphes 35.1 (2) et (3) de la Loi sont abrogés et remplacés par ce qui suit :

Idem : assurance

(2) Le ministre peut, par règlement :

a) exiger que toute personne assujettie à la présente loi ou aux règlements souscrive et maintienne en vigueur une assurance responsabilité pour un montant au moins équivalent au montant prescrit et conformément aux conditions prescrites, y compris les franchises;

b) prescrire toute question ou chose mentionnée à l'alinéa a) comme étant prescrite.

LOI DE 2011 SUR LA SAINE GESTION PUBLIQUE

9. Les paragraphes 1 (12) et (13) de l'annexe 2 de la *Loi de 2011 sur la saine gestion publique* sont abrogés.

**STRONG ACTION FOR ONTARIO ACT (BUDGET
MEASURES), 2012**

10. (1) Subsections 27 (2) and (3) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* are repealed.

(2) Section 41 of Schedule 28 to the Act is repealed.

COMMENCEMENT**Commencement**

11. (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Same

(2) Subsections 1 (6), (7) and (8) come into force on the day that is one year after the day the *Burden Reduction Act, 2016* receives Royal Assent.

**LOI DE 2012 SUR UNE ACTION ÉNERGIQUE POUR
L'ONTARIO (MESURES BUDGÉTAIRES)**

10. (1) Les paragraphes 27 (2) et (3) de l'annexe 28 de la *Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)* sont abrogés.

(2) L'article 41 de l'annexe 28 de la Loi est abrogé.

ENTRÉE EN VIGUEUR**Entrée en vigueur**

11. (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Idem

(2) Les paragraphes 1 (6), (7) et (8) entrent en vigueur le jour qui tombe un an après le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

**SCHEDULE 13
MINISTRY OF LABOUR**

PROTECTING CHILD PERFORMERS ACT, 2015

1. Subsection 6 (4) of the *Protecting Child Performers Act, 2015* is repealed and the following substituted:

Overnight travel expenses

(4) If subsection (3) applies and the employer does not arrange for or provide, at the employer's expense, travel, accommodation or food, the employer shall be responsible for paying the parent or guardian's expenses related to the costs of travel, accommodation or food, as the case may be, up to the prescribed maximums.

2. (1) Subsection 11 (1) of the Act is repealed and the following substituted:

Hours of work

(1) No employer shall require or permit a child performer to work more than eight hours in a day.

(2) Subsection 11 (6) of the Act is repealed and the following substituted:

Meals and tutoring

(6) For the purpose of calculating the number of hours of work under this section, meal breaks shall be excluded and breaks and tutoring periods shall be included.

3. Section 12 of the Act is amended by adding "from work" after "receiving a break" wherever it appears.

4. Section 13 of the Act is repealed and the following substituted:

No split shifts and rules re meal breaks

13. An employer,

- (a) shall not require or permit a child performer to work a split shift;
- (b) shall ensure that no child performer works more than five consecutive hours of work without a meal break;
- (c) shall ensure that a child performer's meal break lasts at least 30 minutes; and
- (d) shall ensure that a child performer's meal breaks, if unpaid, are not longer than one hour each.

5. Subsection 14 (2) of the Act is amended by striking out "age of 16" and substituting "age of three".

**REGISTERED HUMAN RESOURCES
PROFESSIONALS ACT, 2013**

6. The *Registered Human Resources Professionals Act, 2013* is amended by adding the following section:

**ANNEXE 13
MINISTÈRE DU TRAVAIL**

**LOI DE 2015 SUR LA PROTECTION
DES ENFANTS ARTISTES**

1. Le paragraphe 6 (4) de la *Loi de 2015 sur la protection des enfants artistes* est abrogé et remplacé par ce qui suit :

Dépenses pour déplacement de plus de 24 heures

(4) Si le paragraphe (3) s'applique et que l'employeur ne prend pas de dispositions pour fournir, ou ne fournit pas lui-même, à ses frais, le déplacement, l'hébergement ou les repas, l'employeur prend en charge, jusqu'à hauteur du montant maximal prescrit, les dépenses du père, de la mère ou du tuteur légal liées aux frais de déplacement, d'hébergement ou de repas, selon le cas.

2. (1) Le paragraphe 11 (1) de la Loi est abrogé et remplacé par ce qui suit :

Heures de travail

(1) Aucun employeur ne doit exiger ou permettre qu'un enfant artiste travaille plus de huit heures au cours d'une journée.

(2) Le paragraphe 11 (6) de la Loi est abrogé et remplacé par ce qui suit :

Repas et tutorat

(6) Aux fins de calcul du nombre d'heures de travail en application du présent article, les pauses-repas sont exclues, et les pauses et les périodes de tutorat sont incluses.

3. L'article 12 de la Loi est modifié par insertion de «de travail» après «lui soit accordée une pause» partout où figurent ces mots.

4. L'article 13 de la Loi est abrogé et remplacé par ce qui suit :

Interdiction des postes fractionnés et règles relatives aux pauses-repas

13. L'employeur :

- a) ne doit pas exiger ou permettre que l'enfant artiste fasse des postes fractionnés;
- b) veille à ce que l'enfant artiste ne travaille pas plus de cinq heures de travail consécutives sans pause-repas;
- c) veille à ce que les pauses-repas de l'enfant artiste durent au moins 30 minutes;
- d) veille à ce que, si elles ne sont pas payées, les pauses-repas de l'enfant artiste ne dépassent pas une heure chacune.

5. Le paragraphe 14 (2) de la Loi est modifié par remplacement de «16 ans» par «trois ans».

**LOI DE 2013 SUR LES PROFESSIONNELS
EN RESSOURCES HUMAINES INSCRITS**

6. La *Loi de 2013 sur les professionnels en ressources humaines inscrits* est modifiée par adjonction de l'article suivant :

Workplace investigations

14.1 A member of the Association, who is in good standing, is authorized to conduct, for remuneration, workplace investigations in order to provide information, and section 2 of Ontario Regulation 435/07 made under the *Private Security and Investigative Services Act, 2005* applies.

COMMENCEMENT

7. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Enquêtes en milieu de travail

14.1 Tout membre en règle de l'Association est autorisé à mener, contre rémunération, des enquêtes en milieu de travail afin de fournir des renseignements, et l'article 2 du Règlement de l'Ontario 435/07 pris en vertu de la *Loi de 2005 sur les services privés de sécurité et d'enquête* s'applique.

ENTRÉE EN VIGUEUR

7. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

**SCHEDULE 14
MINISTRY OF NATURAL RESOURCES
AND FORESTRY**

CROWN FOREST SUSTAINABILITY ACT, 1994

1. (1) Subsection 27 (2) of the *Crown Forest Sustainability Act, 1994* is amended by striking out “five years” at the end and substituting “10 years”.

(2) Subsection 27 (4) of the Act is amended by striking out “for one term of one year” and substituting “for one term of up to two years”.

2. Section 68 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(11) If a manual prepared under this section incorporates a document by reference, in whole or in part, the document may be incorporated as it may be amended from time to time.

3. Section 69 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(4) If a regulation made under this section incorporates a document by reference, in whole or in part, the document may be incorporated as it may be amended from time to time.

FISH AND WILDLIFE CONSERVATION ACT, 1997

4. (1) The definitions of “furbearing mammal”, “game amphibian”, “game bird”, “game mammal” and “game reptile” in subsection 1 (1) of the *Fish and Wildlife Conservation Act, 1997* are repealed and the following substituted:

“furbearing mammal” means a member of a species prescribed by the regulations as a species of furbearing mammal; (“mammifère à fourrure”)

“game amphibian” means a member of a species prescribed by the regulations as a species of game amphibian; (“amphibien gibier”)

“game bird” means a member of a species prescribed by the regulations as a species of game bird; (“gibier à plume”)

“game mammal” means a member of a species prescribed by the regulations as a species of game mammal; (“mammifère gibier”)

“game reptile” means a member of a species prescribed by the regulations as a species of game reptile; (“reptile gibier”)

(2) The definition of “Ontario Fishery Regulations” in subsection 1 (1) of the Act is amended by striking out “Ontario Fishery Regulations, 1989” and substituting “Ontario Fishery Regulations, 2007”.

**ANNEXE 14
MINISTÈRE DES RICHESSES NATURELLES
ET DES FORÊTS**

**LOI DE 1994 SUR LA DURABILITÉ DES FORÊTS
DE LA COURONNE**

1. (1) Le paragraphe 27 (2) de la *Loi de 1994 sur la durabilité des forêts de la Couronne* est modifié par remplacement de «cinq ans» par «10 ans» à la fin du paragraphe.

(2) Le paragraphe 27 (4) de la Loi est modifié par remplacement de «pour une durée d'un an» par «pour une durée maximale de deux ans».

2. L'article 68 de la Loi est modifié par adjonction du paragraphe suivant :

Incorporation continue par renvoi

(11) Si un manuel rédigé en vertu du présent article adopte tout ou partie d'un document par renvoi, le document peut être adopté dans ses versions successives.

3. L'article 69 de la Loi est modifié par adjonction du paragraphe suivant :

Incorporation continue par renvoi

(4) Si un règlement pris en vertu du présent article adopte tout ou partie d'un document par renvoi, le document peut être adopté dans ses versions successives.

**LOI DE 1997 SUR LA PROTECTION DU POISSON
ET DE LA FAUNE**

4. (1) Les définitions de «amphibien gibier», de «gibier à plume», de «mammifère à fourrure», de «mammifère gibier» et de «reptile gibier» au paragraphe 1 (1) de la *Loi de 1997 sur la protection du poisson et de la faune* sont abrogées et remplacées par ce qui suit :

«amphibien gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce d'amphibiens gibier. («game amphibian»)

«gibier à plume» Membre d'une espèce prescrite par les règlements comme étant une espèce de gibier à plume. («game bird»)

«mammifère à fourrure» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères à fourrure. («furbearing mammal»)

«mammifère gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères gibier. («game mammal»)

«reptile gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce de reptiles gibier. («game reptile»)

(2) La définition de «règlements de la pêche en Ontario» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «Règlement de pêche de l'Ontario de 1989» par «Règlement de pêche de l'Ontario (2007)».

(3) The definitions of “specially protected amphibian”, “specially protected bird”, “specially protected invertebrate”, “specially protected mammal”, “specially protected raptor” and “specially protected reptile” in subsection 1 (1) of the Act are repealed and the following substituted:

“specially protected amphibian” means a member of a species prescribed by the regulations as a species of specially protected amphibian; (“amphibien spécialement protégé”)

“specially protected bird” means a specially protected raptor or a member of a species prescribed by the regulations as a species of specially protected bird; (“oiseau spécialement protégé”)

“specially protected invertebrate” means a member of a species prescribed by the regulations as a species of specially protected invertebrate; (“invertébré spécialement protégé”)

“specially protected mammal” means a member of a species prescribed by the regulations as a species of specially protected mammal; (“mammifère spécialement protégé”)

“specially protected raptor” means a member of a species prescribed by the regulations as a species of specially protected raptor; (“rapace spécialement protégé”)

“specially protected reptile” means a member of a species prescribed by the regulations as a species of specially protected reptile; (“reptile spécialement protégé”)

(4) Subsection 1 (7) of the Act is amended by adding the following clause:

(b.1) in the case of an electronic ignition muzzle-loading gun, there is a charge of powder and a projectile in the barrel and a battery connected to the primer or charge;

(5) Clause 1 (7) (c) of the Act is amended by striking out “clause (b) does not apply” and substituting “clauses (b) and (b.1) do not apply”.

(6) Clause 1 (7) (d) of the Act is amended by striking out “clauses (a), (b) and (c)” and substituting “clauses (a), (b), (b.1) and (c)”.

5. Subsection 6 (2) of the Act is repealed and the following substituted:

Trappers

(2) Despite the requirement in subsection (1) for a licence but subject to section 9 and to any requirement for a licence under section 79, the holder of a licence to trap furbearing mammals may, in accordance with the licence and without any other licence, in the area described in the licence,

(a) to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year, trap black bear and other game mammals, other than white-tailed deer, moose, woodland caribou or American elk; and

(3) Les définitions de «amphibien spécialement protégé», de «invertébré spécialement protégé», de «mammifère spécialement protégé», de «oiseau spécialement protégé», de «rapace spécialement protégé» et de «reptile spécialement protégé» au paragraphe 1 (1) de la Loi sont abrogées et remplacées par ce qui suit :

«amphibien spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce d'amphibiens spécialement protégés. («specially protected amphibian»)

«invertébré spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce d'invertébrés spécialement protégés. («specially protected invertebrate»)

«mammifère spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères spécialement protégés. («specially protected mammal»)

«oiseau spécialement protégé» Rapace spécialement protégé ou membre d'une espèce prescrite par les règlements comme étant une espèce d'oiseaux spécialement protégés. («specially protected bird»)

«rapace spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de rapaces spécialement protégés. («specially protected raptor»)

«reptile spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de reptiles spécialement protégés. («specially protected reptile»)

(4) Le paragraphe 1 (7) de la Loi est modifié par adjonction de l'alinéa suivant :

b.1) dans le cas d'un fusil à allumage électronique qui se charge par la bouche, il y a une charge de poudre et un projectile dans le baril et une batterie branchée à l'amorce ou à la charge;

(5) L'alinéa 1 (7) c) de la Loi est modifié par remplacement de «l'alinéa b) ne s'applique pas» par «les alinéas b) et b.1) ne s'appliquent pas».

(6) L'alinéa 1 (7) d) de la Loi est modifié par remplacement de «les alinéas a), b) et c)» par «les alinéas a), b), b.1) et c)».

5. Le paragraphe 6 (2) de la Loi est abrogé et remplacé par ce qui suit :

Trappeurs

(2) Malgré l'exigence relative à un permis prévu au paragraphe (1) mais sous réserve de l'article 9 et de toute exigence relative à un permis prévu à l'article 79, le titulaire d'un permis de piégeage des mammifères à fourrure peut, conformément au permis et sans avoir d'autre permis, dans la zone visée par le permis :

a) dans la mesure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante, piéger l'ours noir et d'autres mammifères gibier, autres que le cerf de Virginie, l'orignal, le caribou des bois ou le cerf wapiti;

(b) to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year or within any additional period prescribed by the regulations, hunt,

- (i) black bear and other game mammals, other than white-tailed deer, moose, woodland caribou or American elk,
- (ii) game birds, other than wild turkey,
- (iii) birds referred to in subsection 5 (2), and
- (iv) wildlife referred to in clause (1) (h).

6. (1) Subsection 16 (1) of the Act is amended by striking out “hunting or trapping” and substituting “hunting, trapping or fishing”.

(2) Subsection 16 (2) of the Act is amended by striking out “hunting or trapping” at the end and substituting “hunting, trapping or fishing”.

7. Subsection 17 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(3) Despite clause (1) (a), a person whose mobility is impaired in the manner prescribed by the regulations may have a loaded firearm in or on, or discharge it from, a vehicle or a motorboat that is not in motion, in an area described in subsection (1), if the person does so,

8. Clause 31 (3) (b) of the Act is amended by adding “or in the circumstances prescribed by the regulations” at the end.

9. The Act is amended by adding the following section:

Refusal of licences, etc.: fine in default

72.1 (1) The Minister may refuse to issue to a person who is in default of the payment of a fine imposed for an offence under this Act or the *Fisheries Act* (Canada) any licence under this Act or any component of a licence under this Act, until the fine is paid.

Fine no longer in default

(2) On the request of the Minister, the person who has defaulted shall provide evidence that the fine in default has been paid in full.

10. Section 76 of the Act is repealed and the following substituted:

Service of notice

76. (1) A notice served by the Minister under section 72, 73, 74 or 75 shall be served,

- (a) personally;
- (b) by mail addressed to the person to be served at the person's last known address; or

(b) dans la mesure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante ou dans toute période additionnelle prescrite par les règlements, chasser :

- (i) l'ours noir et d'autres mammifères gibier, autres que le cerf de Virginie, l'orignal, le caribou des bois ou le cerf wapiti,
- (ii) le gibier à plume, autre que le dindon sauvage,
- (iii) les oiseaux visés au paragraphe 5 (2),
- (iv) les animaux sauvages visés à l'alinéa (1) h).

6. (1) Le paragraphe 16 (1) de la Loi est modifié par remplacement de «de chasser ou de tendre des pièges» par «de chasser, de tendre des pièges ou de pêcher».

(2) Le paragraphe 16 (2) de la Loi est modifié par remplacement de «de chasser ou de tendre des pièges» par «de chasser, de tendre des pièges ou de pêcher» à la fin du paragraphe.

7. Le paragraphe 17 (3) de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

(3) Malgré l'alinéa (1) a), la personne dont la mobilité est diminuée de la manière que prescrivent les règlements peut avoir une arme à feu chargée à bord d'un véhicule ou d'un bateau à moteur stationnaires ou la décharger à partir d'un véhicule ou d'un bateau à moteur stationnaires dans une zone visée au paragraphe (1), si elle le fait :

8. L'alinéa 31 (3) b) de la Loi est modifié par insertion de «ou dans les circonstances que prescrivent les règlements» à la fin de l'alinéa.

9. La Loi est modifiée par adjonction de l'article suivant :

Refus de délivrer un permis : défaut de paiement d'une amende

72.1 (1) Le ministre peut refuser de délivrer tout permis visé par la présente loi ou tout élément de celui-ci à la personne qui n'a pas payé une amende imposée relativement à une infraction visée à la présente loi ou à la *Loi sur les pêches* (Canada) tant que l'amende n'est pas acquittée.

Paiement intégral de l'amende

(2) À la demande du ministre, la personne en défaut de paiement fournit une preuve du paiement intégral de l'amende impayée.

10. L'article 76 de la Loi est abrogé et remplacé par ce qui suit :

Signification d'un avis

76. (1) Un avis signifié par le ministre aux termes de l'article 72, 73, 74 ou 75 est signifié :

- a) soit à personne;
- b) soit par courrier à la dernière adresse connue du destinataire;

- (c) by any other method prescribed by the regulations.

When notice deemed served

- (2) A notice is deemed to have been served,
- (a) if it is served personally, on the day it is served;
- (b) if it is served by mail, on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date; or
- (c) if it is served by a method prescribed by the regulations, on the day prescribed by the regulations.

11. Subsection 77 (2) of the Act is repealed and the following substituted:

Designation of hearing officer

(2) If the Minister receives a request for a hearing in accordance with subsection (1), the Minister shall designate a person as a hearing officer to hold the hearing.

12. Paragraph 4 of subsection 87 (2) of the Act is amended by striking out "National Parks Act (Canada)" and substituting "Canada National Parks Act".

13. Clause 104 (1) (c) of the Act is repealed and the following substituted:

- (c) before applying for a licence to hunt, the person shall successfully,
- (i) complete any hunter education course and any other educational requirement that are prescribed by the regulations for the licence, and
- (ii) pass any examination that the regulations require for the licence.

14. (1) Section 112 of the Act is amended by adding the following paragraph:

4.0.1 prescribing, with respect to any wildlife referred to in subclause 6 (2) (b) (i), (ii), (iii) or (iv), a period during which the holder of a licence to trap furbearing mammals may hunt the wildlife to the extent that the open season falls within that period;

(2) Paragraph 20 of section 112 of the Act is repealed and the following substituted:

20. prescribing wildlife that may be harassed, captured or killed in protection of property under clause 31 (3) (b);

(3) Section 112 of the Act is amended by adding the following paragraphs:

20.1 prescribing the circumstances in which wildlife referred to in clause 31 (3) (b) may be harassed, captured or killed in protection of property under that clause;

- c) soit par tout autre mode prescrit par les règlements.

Avis réputé avoir été signifié

- (2) Un avis est réputé avoir été signifié :
- a) s'il est signifié à personne, le jour de la signification;
- b) s'il est signifié par courrier, le cinquième jour qui suit la date de mise à la poste, à moins que le destinataire ne démontre que, agissant de bonne foi, il n'a reçu l'avis qu'à une date ultérieure pour des raisons indépendantes de sa volonté, notamment son absence, un accident ou une maladie;
- c) s'il est signifié par un mode prescrit par les règlements, le jour prescrit par ceux-ci.

11. Le paragraphe 77 (2) de la Loi est abrogé et remplacé par ce qui suit :

Désignation d'un agent enquêteur

(2) S'il reçoit une demande d'audience conformément au paragraphe (1), le ministre désigne une personne comme agent enquêteur pour tenir l'audience.

12. La disposition 4 du paragraphe 87 (2) de la Loi est modifiée par remplacement de «la Loi sur les parcs nationaux (Canada)» par «la Loi sur les parcs nationaux du Canada».

13. L'alinéa 104 (1) c) de la Loi est abrogé et remplacé par ce qui suit :

- c) avant de demander un permis de chasse, la personne doit satisfaire aux conditions suivantes :
- (i) terminer avec succès tout cours de formation des chasseurs prescrit par les règlements pour le permis et satisfaire à toute autre exigence en matière de formation prescrite par les règlements pour le permis,
- (ii) réussir tout examen que les règlements exigent pour le permis.

14. (1) L'article 112 de la Loi est modifié par adjonction de la disposition suivante :

4.0.1 prescrire, à l'égard de tout animal sauvage visé au sous-alinéa 6 (2) b) (i), (ii), (iii) ou (iv), une période pendant laquelle le titulaire d'un permis de piégeage des mammifères à fourrure peut chasser l'animal sauvage dans la mesure où la saison de chasse tombe dans cette période;

(2) La disposition 20 de l'article 112 de la Loi est abrogée et remplacée par ce qui suit:

20. prescrire les animaux sauvages qui peuvent être harcelés, capturés ou tués aux fins de protection des biens en vertu de l'alinéa 31 (3) b);

(3) L'article 112 de la Loi est modifié par adjonction des dispositions suivantes :

20.1 prescrire les circonstances dans lesquelles les animaux sauvages visés à l'alinéa 31 (3) b) peuvent être harcelés, capturés ou tués aux fins de protection des biens en vertu de cet alinéa;

49.1 prescribing methods of serving notice for the purpose of clause 76 (1) (c), and prescribing rules surrounding the use of such methods, including prescribing, for the purpose of clause 76 (2) (c), the day on which a notice served by a prescribed method is deemed to have been served;

15. Section 113 of the Act is amended by adding the following subsection:

Same

(2.1) For greater certainty, subsection (2) includes regulations described in paragraphs 2, 3 and 4 of subsection (1), despite the exclusions in subparagraphs 4 i, ii and iii of section 112.

16. The Act is amended by adding the following section:

Amendments to adopted documents

114.1 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made.

17. Schedules 1 to 11 to the Act are repealed.

LAKES AND RIVERS IMPROVEMENT ACT

18. Subsection 5 (2) of the *Lakes and Rivers Improvement Act* is amended by striking out “*Arbitrations Act*” and substituting “*Arbitration Act, 1991*”

19. Clause 14 (3) (a) of the Act is amended by striking out “three copies of the plans and specifications” at the beginning and substituting “the number of copies of the plans and specifications that the Minister requires up to a maximum of three copies, such plans and specifications”.

20. The French version of clause 23.1 (1) (a) of the Act is amended by adding “ou proposés” at the end.

PUBLIC LANDS ACT

21. The *Public Lands Act* is amended by adding the following section:

Occupation for specified purposes

21.1 (1) Subject to subsections (5), (6), (7), (8), (9) and (11) and the regulations, a person is authorized under this section to occupy public lands for the purpose of doing either or both of the following:

1. Erecting or placing on the public lands a building, structure or thing that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation.
2. Using any building, structure or thing located on the public lands that is of a type or class prescribed by regulation or that meets the specifications pre-

49.1 prescrire des modes de signification d'un avis pour l'application de l'alinéa 76 (1) c) et prescrire les règles ayant trait à l'utilisation de ces modes, y compris prescrire, pour l'application de l'alinéa 76 (2) c), le jour où un avis signifié par un mode prescrit est réputé avoir été signifié;

15. L'article 113 de la Loi est modifié par adjonction du paragraphe suivant :

Idem

(2.1) Il est entendu que le paragraphe (2) comprend les règlements visés aux dispositions 2, 3 et 4 du paragraphe (1), malgré les exclusions énoncées aux sous-dispositions 4 i, ii et iii de l'article 112.

16. La Loi est modifiée par adjonction de l'article suivant :

Modification des documents adoptés

114.1 Les règlements pris en vertu de la présente loi qui adoptent un document par renvoi peuvent l'adopter dans ses versions successives postérieures à la prise des règlements.

17. Les annexes 1 à 11 de la Loi sont abrogées.

LOI SUR L'AMÉNAGEMENT DES LACS ET DES RIVIÈRES

18. Le paragraphe 5 (2) de la *Loi sur l'aménagement des lacs et des rivières* est modifié par remplacement de «la *Loi sur l'arbitrage*» par «la *Loi de 1991 sur l'arbitrage*».

19. L'alinéa 14 (3) a) de la Loi est modifié par remplacement de «trois copies des plans et devis» par «le nombre de copies des plans et devis qu'exige le ministre, jusqu'à concurrence de trois copies, les plans et devis» au début de l'alinéa.

20. La version française de l'alinéa 23.1 (1) a) de la Loi est modifiée par insertion de «ou proposés» à la fin de l'alinéa.

LOI SUR LES TERRES PUBLIQUES

21. La *Loi sur les terres publiques* est modifiée par adjonction de l'article suivant :

Occupation à certaines fins

21.1 (1) Sous réserve des paragraphes (5), (6), (7), (8), (9) et (11) et des règlements, une personne est autorisée en vertu du présent article à occuper des terres publiques à l'une des fins suivantes ou aux deux :

1. Construire sur les terres publiques ou y placer un bâtiment, une structure ou un objet qui est d'un type ou d'une catégorie prescrit par règlement ou qui est conforme aux caractéristiques prescrites par règlement.
2. Utiliser un bâtiment, une structure ou un objet, situé sur les terres publiques, qui est d'un type ou d'une catégorie prescrit par règlement ou qui est

scribed by regulation, whether it was erected or placed on the public lands by the person or by another person.

No instrument required to authorize possession, etc.

(2) For greater certainty, a person who is authorized to occupy public lands under this section is not required to,

- (a) obtain a lease, licence, permit or other instrument under this Act to occupy the lands; or
- (b) obtain the written consent of the Minister or an officer authorized by the Minister under section 27 in respect of activities related to erecting or placing a building, structure or thing on the public lands.

Regulations re authorized persons

(3) A regulation may provide that a person is not authorized to occupy public lands under this section unless the person meets the criteria prescribed by regulation.

Regulations re public lands

(4) If a regulation prescribes, for the purposes of this section, a type or class of building, structure or thing that is intended to float on water or to be suspended over lands, this section applies to the occupation of any public lands over which the building, structure or thing floats or is suspended as though it were erected or placed on the public lands.

Certain public lands excluded

- (5) This section does not apply to public lands if,
 - (a) the public lands are in the possession of, or occupied by, another person and that possession or occupation is authorized under this Act or under any other Act prescribed by regulation;
 - (b) the public lands are subject to a land use plan described in section 12.2 and the purpose for which the person wishes to occupy the lands is not consistent with the land use plan;
 - (c) the Minister has given notice under clause 28 (1)
 - (a) in respect of the public lands and the purpose for which the person wishes to occupy the public lands is not consistent with the notice; or
 - (d) such circumstances or conditions as may be prescribed by the regulations exist.

Limitation on extent of occupation, etc.

(6) The public lands that a person may occupy under this section are limited to,

- (a) the lands on which the building, structure or thing referred to in subsection (1) is erected or placed; and

conforme aux caractéristiques prescrites par règlement, qu'il y ait été construit ou placé par cette personne ou par une autre personne.

Aucun acte requis

(2) Il est entendu que la personne autorisée à occuper des terres publiques en vertu du présent article n'est pas tenue de faire ce qui suit :

- a) obtenir un bail, un permis ou tout autre acte prévu par la présente loi afin d'occuper les terres publiques;
- b) obtenir le consentement écrit du ministre ou de l'agent que ce dernier a habilité en vertu de l'article 27 à l'égard d'activités liées à la construction ou au placement d'un bâtiment, d'une structure ou d'un objet sur les terres publiques.

Règlements : personnes autorisées

(3) Un règlement peut prévoir qu'une personne n'est autorisée à occuper des terres publiques en vertu du présent article que si elle répond aux critères prescrits par règlement.

Règlements : terres publiques

(4) Si, pour l'application du présent article, un règlement prescrit un type ou une catégorie de bâtiments, de structures ou d'objets qui est destiné à flotter sur l'eau ou à être suspendu au-dessus d'un bien-fonds, le présent article s'applique à l'occupation de terres publiques au-dessus desquelles le bâtiment, la structure ou l'objet flotte ou est suspendu comme si le bâtiment, la structure ou l'objet avait été construit ou placé sur ces terres.

Exclusion de certaines terres publiques

(5) Le présent article ne s'applique pas aux terres publiques si, selon le cas :

- a) elles sont en la possession d'une autre personne ou sont occupées par celle-ci et que cette possession ou cette occupation est autorisée en vertu de la présente loi ou de toute autre loi prescrite par règlement;
- b) elles font l'objet d'un plan d'aménagement du territoire visé à l'article 12.2 et la fin à laquelle la personne souhaite occuper les terres publiques est incompatible avec ce plan;
- c) le ministre a donné un avis en vertu de l'alinéa 28 (1) a) à l'égard des terres publiques et la fin à laquelle la personne souhaite occuper les terres publiques est incompatible avec cet avis;
- d) les circonstances ou les conditions prescrites par règlement sont réunies.

Restriction relative à la portée de l'occupation

(6) Les terres publiques qu'une personne peut occuper en vertu du présent article se limitent :

- a) aux terres sur lesquelles le bâtiment, la structure ou l'objet visé au paragraphe (1) est construit ou placé;

- (b) any additional lands prescribed by regulation that are required for erecting or placing the building, structure or thing.

Duration of occupation, etc.

(7) A person who occupies public lands under this section shall vacate the lands on or before the earlier of the following dates:

1. The date prescribed by regulation.
2. The date specified by the Minister in a notice given to the person under subsection (8).

Notice to vacate lands

(8) The Minister may, at any time and for any reason, give a person who occupies public lands under this section notice to vacate the lands.

Duty to remove building, etc.

(9) A person who is required to vacate public lands under subsection (7) shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the person was using on the public lands on or before the date on which the person is required to vacate the public lands.

How notice given, etc.

(10) A notice to vacate public lands shall be given in the manner prescribed by regulation and shall meet such other requirements as may be prescribed by regulation.

Duty to comply with notice

(11) A person occupying public lands under this section to whom a notice is given under subsection (8) shall comply with the notice.

Minister taking possession

(12) For greater certainty, a person who fails to vacate public lands in accordance with a notice given under subsection (8) or after the date prescribed by regulation is considered to be in possession or occupation of the public lands without lawful authority for the purposes of section 24.

Nature of occupancy, etc.

(13) A person who occupies public lands under this section does not, by virtue of such occupation, acquire any right, claim or title to the lands or any interest in the lands.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- a) governing the occupation of public lands under this section, including the types or classes of buildings, structures or things that may be erected or placed on the public lands and the use of such buildings, structures or things;
- b) respecting anything that this section requires, permits or authorizes to be prescribed by regulation or to be done by or in accordance with the regulations;

- b) aux terres additionnelles prescrites par règlement qui sont nécessaires à la construction ou au placement du bâtiment, de la structure ou de l'objet.

Durée de l'occupation

(7) La personne qui occupe des terres publiques en vertu du présent article doit les quitter au plus tard à la première des dates suivantes :

1. La date prescrite par règlement.
2. La date précisée par le ministre dans un avis donné à la personne en vertu du paragraphe (8).

Avis ordonnant de quitter les terres

(8) Le ministre peut, à tout moment et pour quelque motif que ce soit, donner à une personne qui occupe des terres publiques en vertu du présent article un avis lui ordonnant de les quitter.

Obligation d'enlever le bâtiment

(9) La personne qui est tenue de quitter des terres publiques en application du paragraphe (7) doit, à ses frais, enlever de celles-ci tout bâtiment, structure, ou objet qu'elle a construit ou qu'elle utilisait sur les terres publiques ou qu'elle y a placé au plus tard à la date à laquelle elle est tenue de les quitter.

Mode de remise de l'avis

(10) L'avis ordonnant de quitter les terres publiques est donné de la manière prescrite par règlement et satisfait aux autres exigences prescrites par règlement.

Obligation de se conformer à l'avis

(11) La personne qui occupe des terres publiques en vertu du présent article et à qui un avis est donné en vertu du paragraphe (8) doit s'y conformer.

Prise de possession par le ministre

(12) Il est entendu que la personne qui ne quitte pas des terres publiques conformément à un avis donné en vertu du paragraphe (8) ou après la date prescrite par règlement est considérée comme possédant ou occupant illégalement les terres publiques pour l'application de l'article 24.

Nature de l'occupation

(13) La personne qui occupe des terres publiques en vertu du présent article n'acquiert aucun droit, titre, intérêt ou droit de réclamation sur ces terres du fait de cette occupation.

Règlements

(14) Le lieutenant-gouverneur en conseil peut, par règlement :

- a) régir l'occupation de terres publiques en vertu du présent article, y compris les types ou catégories de bâtiments, de structures ou d'objets qui peuvent y être construits ou placés ainsi que l'utilisation de ces bâtiments, structures ou objets;
- b) traiter de tout ce que le présent article exige ou permet de prescrire par règlement ou qu'il autorise à prescrire ou à faire par règlement ou à faire conformément aux règlements;

- (c) prescribing conditions or limitations relating to the occupation of public lands and the erection, placement or use of any building, structure or thing on the public lands;
- (d) respecting notices to vacate public lands, including the manner in which the notices shall be given;
- (e) respecting rules and requirements that apply to the vacating of public lands by a person who occupied the lands under this section, and requiring persons to comply with the rules and requirements;
- (f) establishing a registration system for persons occupying public lands under this section and requiring persons to register in accordance with the regulations;
- (g) respecting any transitional matters arising from the making of a regulation under this section;
- (h) exempting any person, building, structure or thing or public lands, or class thereof, from this section or any requirement in this section.

COMMENCEMENT

Commencement

22. (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

Same

(2) Subsections 4 (1) and (3) and section 17 come into force on a day to be named by proclamation of the Lieutenant Governor.

- c) prescrire les conditions ou les restrictions relatives à l'occupation de terres publiques et à la construction, au placement ou à l'utilisation de bâtiments, de structures ou d'objets sur des terres publiques;
- d) traiter des avis ordonnant de quitter les terres publiques, y compris la manière de les donner;
- e) traiter des règles et exigences qui s'appliquent lorsqu'une personne qui occupait des terres publiques en vertu du présent article les quitte, et exiger des personnes qu'elles se conforment à ces règles et exigences;
- f) établir un système d'inscription pour les personnes occupant des terres publiques en vertu du présent article et exiger de ces personnes qu'elles s'inscrivent conformément aux règlements;
- g) traiter des questions transitoires découlant de la prise des règlements en vertu du présent article;
- h) soustraire une personne, un bâtiment, une structure, un objet ou des terres publiques, ou une catégorie de personnes, de bâtiments, de structures, d'objets ou de terres publiques, à l'application ou aux exigences du présent article.

ENTRÉE EN VIGUEUR

Entrée en vigueur

22. (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Idem

(2) Les paragraphes 4 (1) et (3) et l'article 17 entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

**SCHEDULE 15
MINISTRY OF NORTHERN DEVELOPMENT
AND MINES**

Ministry of Northern Development, Mines and Forestry Act

1. (1) Subsection 10 (1) of the *Ministry of Northern Development, Mines and Forestry Act* is amended by striking out the portion before clause (a) and substituting the following:

(1) The Minister may establish programs,

(2) Subsection 10 (2) of the Act is amended by striking out “grants and assistance” and substituting “grants, loans and other assistance”.

(3) Section 10 of the Act is amended by adding the following subsection:

Transition, programs established by Lieutenant Governor in Council

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, amend or cancel any program that was established by the Lieutenant Governor in Council on or before the day section 1 of Schedule 15 to the *Burden Reduction Act, 2016* comes into force.

Commencement

2. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

**ANNEXE 15
MINISTÈRE DU DÉVELOPPEMENT DU NORD
ET DES MINES**

Loi sur le ministère du Développement du Nord, des Mines et des Forêts

1. (1) Le paragraphe 10 (1) de la *Loi sur le ministère du Développement du Nord, des Mines et des Forêts* est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :

(1) Le ministre peut mettre sur pied des programmes qui, à la fois :

(2) Le paragraphe 10 (2) de la Loi est modifié par remplacement de «des subventions et de l'aide» par «des subventions, des prêts et d'autres formes d'aide».

(3) L'article 10 de la Loi est modifié par adjonction du paragraphe suivant :

Disposition transitoire : programmes mis sur pied par le lieutenant-gouverneur en conseil

(3) Sur la recommandation du ministre, le lieutenant-gouverneur en conseil peut, par décret, modifier ou annuler tout programme qu'il a mis sur pied le jour de l'entrée en vigueur de l'article 1 de l'annexe 15 de la *Loi de 2016 sur l'allègement du fardeau réglementaire* ou avant ce jour.

Entrée en vigueur

2. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

SCHEDULE 16 MINISTRY OF TOURISM, CULTURE AND SPORT

Ontario Place Corporation Act

1. The definition of “Minister” in section 1 of the *Ontario Place Corporation Act* is amended by striking out “Minister of Tourism and Recreation” and substituting “Minister of Tourism, Culture and Sport or such other member of the Executive Council to whom responsibility for the administration of the Act may be assigned or transferred under the *Executive Council Act*”.

2. Clause 8 (a) of the Act is repealed and the following substituted:

- (a) to operate Ontario Place for recreational, cultural, entertainment, educational, research, commercial, exhibition or public purposes;

3. (1) Clause 9 (1) (b) of the Act is repealed and the following substituted:

- (b) to develop, acquire, construct, operate, maintain and generally manage and provide,
 - (i) recreational, cultural, entertainment, educational, research, commercial, exhibition or public facilities,
 - (ii) activities, programs, restaurants, theatres or shops, and
 - (iii) any other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;

(2) Section 9 of the Act is amended by adding the following subsection:

Acquisition and disposal of land, etc.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) acquire land, buildings and structures, or any interest in land, buildings and structures, by purchase, lease or otherwise; and
- (b) dispose of land, buildings and structures, or any interest in land, buildings and structures, by sale, lease or otherwise.

Commencement

4. This Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

ANNEXE 16 MINISTÈRE DU TOURISME, DE LA CULTURE ET DU SPORT

Loi sur la Société d'exploitation de la Place de l'Ontario

1. La définition de «ministre» à l'article 1 de la *Loi sur la Société d'exploitation de la Place de l'Ontario* est modifiée par remplacement de «Le ministre du Tourisme et des Loisirs» par «Le ministre du Tourisme, de la Culture et du Sport ou l'autre membre du Conseil exécutif à qui la responsabilité de l'application de la présente loi peut être assignée ou transférée en vertu de la *Loi sur le Conseil exécutif*».

2. L'alinéa 8 a) de la Loi est abrogé et remplacé par ce qui suit :

- a) d'exploiter la Place de l'Ontario à des fins récréatives, culturelles, éducatives ou commerciales, à des fins de divertissement, de recherche ou d'exposition ou à des fins publiques;

3. (1) L'alinéa 9 (1) b) de la Loi est abrogé et remplacé par ce qui suit :

- b) développer, acquérir, construire, exploiter, entretenir, et, de façon générale, gérer et fournir :
 - (i) des installations conçues à des fins récréatives, culturelles, éducatives ou commerciales, à des fins de divertissement, de recherche ou d'exposition ou à des fins publiques,
 - (ii) des activités, des programmes, des restaurants, des théâtres ou des boutiques,
 - (iii) d'autres installations ou commodités accessoires ou nécessaires afin d'entretenir et d'exploiter convenablement la Place de l'Ontario;

(2) L'article 9 de la Loi est modifié par adjonction du paragraphe suivant :

Acquisition et aliénation de biens-fonds et autres

(3) Sous réserve de l'approbation du lieutenant-gouverneur en conseil, la Société peut :

- a) acquérir, notamment par achat ou location, des biens-fonds, des bâtiments et des constructions ou des intérêts sur des biens-fonds, des bâtiments ou des constructions;
- b) aliéner, notamment par vente ou location, des biens-fonds, des bâtiments et des constructions ou des intérêts sur des biens-fonds, des bâtiments ou des constructions.

Entrée en vigueur

4. La présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

SCHEDULE 17 MINISTRY OF TRANSPORTATION

HIGHWAY TRAFFIC ACT

1. Clauses (c) and (d) of the definition of “power-assisted bicycle” in subsection 1 (1) of the *Highway Traffic Act* are repealed and the following substituted:

- (c) is fitted at all times with pedals that are operable to propel the bicycle, and
- (d) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals;

2. Clause 17 (3.1) (b) of the Act is amended by striking out “the *Motor Vehicle Transport Act, 1987 (Canada)*” and substituting “the *Motor Vehicle Transport Act (Canada)*”.

3. Subsection 17.0.2 (1) of the Act is amended by striking out “the *Motor Vehicle Transport Act, 1987 (Canada)*” at the end and substituting “the *Motor Vehicle Transport Act (Canada)*”.

4. Clause 46 (4) (d) of the Act is amended by striking out “a dishonoured cheque” and substituting “a dishonoured payment”.

5. Subsection 62 (14) of the Act is repealed and the following substituted:

Intermittent red light restricted

(14) Subject to subsections (14.1), (15) and (17.1), no person shall use a lamp, other than turning signal lamps or the vehicular hazard warning signal lamps commonly known as four way flashers, that produces intermittent flashes of red light.

6. The French version of subsection 79 (6) of the Act is amended by striking out “un destinataire” at the end and substituting “un consignataire”.

7. Subsections 82 (2) and (3) of the Act are repealed and the following substituted:

Examination of vehicle

(2) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any vehicle, other than a bicycle that is not a power-assisted bicycle, to stop, move the vehicle to a safe location as directed by the officer and submit the vehicle, together with its equipment and any vehicle drawn by it, to the examinations and tests that the officer may consider expedient.

Same

(3) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the owner of a vehicle, other than a bicycle that is not a power-assisted bicycle, and the operator of a commercial motor vehicle to submit the vehicle, together with its equipment and, in the case of a commercial motor vehicle, any vehicle drawn by it, to the examinations and tests that the officer may consider expedient.

ANNEXE 17 MINISTÈRE DES TRANSPORTS

CODE DE LA ROUTE

1. Les alinéas c) et d) de la définition de «bicyclette assistée» au paragraphe 1 (1) du *Code de la route* sont abrogés et remplacés par ce qui suit :

- c) est munie en tout temps de pédales qui peuvent être actionnées pour mouvoir la bicyclette;
- d) peut en tout temps être propulsée sur une surface plane au moyen de pédales actionnées uniquement par la force musculaire;

2. L'alinéa 17 (3.1) b) du Code est modifié par remplacement de «la *Loi de 1987 sur les transports routiers (Canada)*» par «la *Loi sur les transports routiers (Canada)*».

3. Le paragraphe 17.0.2 (1) du Code est modifié par remplacement de «la *Loi de 1987 sur les transports routiers (Canada)*» par «la *Loi sur les transports routiers (Canada)*» à la fin du paragraphe.

4. L'alinéa 46 (4) d) du Code est modifié par remplacement de «d'un chèque impayé» par «d'un paiement refusé».

5. Le paragraphe 62 (14) du Code est abrogé et remplacé par ce qui suit :

Usage restreint du feu rouge clignotant

(14) Sous réserve des paragraphes (14.1), (15) et (17.1), nul ne doit utiliser un feu rouge clignotant à lumière intermittente autre que l'indicateur de changement de direction ou le feu de détresse.

6. La version française du paragraphe 79 (6) du Code est modifiée par remplacement de «un destinataire» par «un consignataire» à la fin du paragraphe.

7. Les paragraphes 82 (2) et (3) du Code sont abrogés et remplacés par ce qui suit :

Examen du véhicule

(2) Un agent de police et un agent chargé d'appliquer les dispositions du présent code peuvent exiger du conducteur d'un véhicule, autre qu'une bicyclette qui n'est pas une bicyclette assistée, qu'il s'arrête, déplace le véhicule à un endroit sûr là où l'ordonne l'agent, et présente le véhicule, ainsi que son équipement et tout véhicule qu'il tracte, aux examens et aux vérifications que l'agent peut juger opportuns.

Idem

(3) Un agent de police et un agent chargé d'appliquer les dispositions du présent code peuvent exiger du propriétaire d'un véhicule, autre qu'une bicyclette qui n'est pas une bicyclette assistée, et de l'utilisateur d'un véhicule utilitaire qu'ils présentent le véhicule, ainsi que son équipement et, dans le cas d'un véhicule utilitaire, tout véhicule tracté par ce dernier, aux examens et aux vérifications que l'agent peut juger opportuns.

8. The French version of subclause 109 (16) (f) (ii) of the Act is repealed and the following substituted:

- (ii) les types d'autobus et de véhicules de tourisme et leur utilisation,

9. The Act is amended by adding the following section:**Over-dimensional vehicle escorts****Authority to direct traffic**

110.5 (1) Where an over-dimensional vehicle escort, for the purposes of escorting a vehicle or combination of vehicles operating under a permit issued under section 110 or 110.1, considers it reasonably necessary,

- (a) to ensure orderly movement of traffic;
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency,

he or she may direct traffic according to his or her discretion, despite the provisions of Part X, and every person shall obey his or her directions.

Authority to close highways

(2) For the purposes of subsection (1), an over-dimensional vehicle escort may close a highway or any part of a highway to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices, as prescribed in the regulations.

Driving on closed highway prohibited

(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part of a highway in intentional disobedience of the signs or traffic control devices.

Exception to subs. (3)

- (4) Subsection (3) does not apply to,
 - (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle or a police department vehicle;
 - (b) a firefighter, as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, driving a motor vehicle other than one listed in clause (a) while performing his or her duties; or
 - (c) an officer appointed for carrying out the provisions of this Act.

Conditions and limitations on authority to direct traffic and close highways

- (5) The authority to direct traffic under subsection (1)

8. La version française du sous-alinéa 109 (16) f) (ii) du Code est abrogée et remplacée par ce qui suit :

- (ii) les types d'autobus et de véhicules de tourisme et leur utilisation,

9. Le Code est modifié par adjonction de l'article suivant :**Accompagnateur de véhicules de dimensions excessives****Pouvoir de diriger la circulation**

110.5 (1) Si, afin d'accompagner un véhicule ou un ensemble de véhicules utilisé conformément à une autorisation accordée en vertu de l'article 110 ou 110.1, l'accompagnateur de véhicules de dimensions excessives l'estime raisonnablement nécessaire pour, selon le cas :

- a) assurer le bon ordre de la circulation;
- b) empêcher que des lésions corporelles ou des dommages ne soient causés à des personnes ou à des biens;
- c) autoriser les mesures qui s'imposent dans un cas d'urgence,

il peut diriger la circulation selon son jugement, malgré les dispositions de la partie X, et quiconque est tenu de suivre ses directives.

Pouvoir de fermer une voie publique

(2) Pour l'application du paragraphe (1), l'accompagnateur de véhicules de dimensions excessives peut fermer une voie publique ou section de voie publique aux véhicules en plaçant ou en faisant placer des panneaux à cet effet ou des dispositifs de signalisation, comme le prescrivent les règlements.

Interdiction de conduire sur une voie publique fermée

(3) Si des panneaux ou des dispositifs de signalisation ont été placés en application du paragraphe (2), nul ne doit conduire ni utiliser un véhicule sur une voie publique ou section de voie publique fermée à la circulation par désobéissance intentionnelle aux indications de ces panneaux ou dispositifs.

Exception au par. (3)

- (4) Le paragraphe (3) ne s'applique pas aux personnes suivantes :
 - a) le conducteur d'un véhicule de la voirie, d'une ambulance, d'un véhicule de pompiers, d'un véhicule de secours des services publics ou d'un véhicule de police;
 - b) le pompier, au sens du paragraphe 1 (1) de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, qui conduit un véhicule automobile autre qu'un véhicule visé à l'alinéa a) dans l'exercice de ses fonctions;
 - c) l'agent chargé de faire appliquer les dispositions du présent code.

Conditions et restrictions : pouvoirs de diriger la circulation et de fermer une voie publique

- (5) Le pouvoir de diriger la circulation, prévu au para-

and to close highways under subsection (2) may be subject to conditions and limitations,

- (a) prescribed by regulation;
- (b) set out in a permit issued under section 110 or section 110.1, as the case may be; or
- (c) imposed by the appointing authority that appointed the over-dimensional vehicle escort.

Same

(6) A limitation imposed under subsection (5) may provide that the over-dimensional vehicle escort has limited or, despite subsection (1) or (2), as the case may be, no authority to direct traffic or to close highways.

No Crown or road authority liability re closed highway

(7) Every person using a highway closed to traffic in accordance with this section does so at the person's own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic.

Appointment of over-dimensional vehicle escorts

(8) An appointing authority may appoint any person to be an over-dimensional vehicle escort and may impose conditions and limitations on any such appointment as described in subsections (5) and (6).

Regulations

- (9) The Minister may make regulations,
 - (a) designating appointing authorities for the purposes of this section;
 - (b) governing the appointment of over-dimensional vehicle escorts, including prescribing eligibility requirements;
 - (c) governing the identification of over-dimensional vehicle escorts and their vehicles, including prescribing any markings or signs to be displayed on their person and any markings, signs and lights to be displayed on their vehicles;
 - (d) prescribing conditions and limitations on the authority of over-dimensional vehicle escorts to direct traffic or to close highways;
 - (e) prescribing exemptions from any conditions or limitations imposed under clause (d) and prescribing conditions and circumstances for any such exemption;
 - (f) providing for the posting of signs and the placing of traffic control devices on any highway or any

graphe (1), et celui de fermer une voie publique, prévu au paragraphe (2), peuvent être assujettis à des conditions et à des restrictions :

- a) prescrites par des règlements;
- b) énoncées dans une autorisation accordée en vertu de l'article 110 ou 110.1, selon le cas;
- c) imposées par l'autorité de nomination ayant nommé l'accompagnateur de véhicules de dimensions excessives.

Idem

(6) Une restriction imposée en vertu du paragraphe (5) peut prévoir que l'accompagnateur de véhicules de dimensions excessives a un pouvoir limité ou, malgré le paragraphe (1) ou (2), selon le cas, aucun pouvoir pour ce qui est de diriger la circulation ou de fermer une voie publique.

Responsabilité non attribuable à la Couronne ni à un office de la voirie : voie publique fermée

(7) Quiconque circule sur une voie publique fermée à la circulation conformément au présent article le fait à ses propres risques. Ni la Couronne ni l'office de la voirie exerçant sa compétence et son contrôle sur cette voie publique ne sont responsables des dommages que subit la personne qui utilise une voie publique ainsi fermée à la circulation.

Nomination d'accompagnateurs de véhicules de dimensions excessives

(8) Une autorité de nomination peut nommer une personne à titre d'accompagnateur de véhicules de dimensions excessives et assujettir cette nomination aux conditions et aux restrictions visées aux paragraphes (5) et (6).

Règlements

- (9) Le ministre peut, par règlement :
 - a) désigner des autorités de nomination pour l'application du présent article;
 - b) régir la nomination des accompagnateurs de véhicules de dimensions excessives, notamment en prescrivant les conditions d'admissibilité;
 - c) régir l'identification des accompagnateurs de véhicules de dimensions excessives et de leurs véhicules, notamment en prescrivant les marques ou mentions qui doivent figurer sur leur personne et les marques, panneaux et feux dont doivent être munis leurs véhicules;
 - d) prescrire les conditions et les restrictions applicables aux pouvoirs des accompagnateurs de véhicules de dimensions excessives pour ce qui est de diriger la circulation ou de fermer une voie publique;
 - e) prescrire des exemptions en ce qui concerne les conditions et les restrictions imposées en vertu de l'alinéa d) ainsi que les conditions et les circonstances de ces exemptions;
 - f) prévoir la mise en place de panneaux et de dispositifs de signalisation sur une voie publique ou un

type or class of highway for the purposes of this section, and prescribing the types of signs and traffic control devices.

Definitions

(10) In this section,

“appointing authority” means a person or entity designated by regulation made under clause (9) (a); (“autorité de nomination”)

“over-dimensional vehicle escort” means a person appointed by an appointing authority to escort a vehicle or combination of vehicles operating under a permit issued under section 110 or 110.1. (“accompagnateur de véhicules de dimensions excessives”)

10. (1) The French version of subsection 134.1 (1) of the Act is amended by striking out “son chargement” in the portion after clause (b) and substituting “sa cargaison”.

(2) The French version of subsection 134.1 (2) of the Act is amended by striking out “son chargement” and substituting “sa cargaison”.

(3) The French version of subsection 134.1 (4.1) of the Act is amended by striking out “son chargement” and substituting “sa cargaison”.

(4) The French version of subsection 134.1 (4.3) of the Act is amended by striking out “son chargement” and substituting “sa cargaison”.

11. (1) Subsection 146.1 (2) of the Act is repealed and the following substituted:

Same – firefighters

(2) A firefighter on a roadway or adjacent to a roadway where an accident has occurred or while attending to any emergency situation may display a traffic control stop or slow sign.

(2) Subsection 146.1 (5) of the Act is repealed and the following substituted:

Unauthorized use of sign

(5) No person other than a traffic control person, a firefighter or an over-dimensional vehicle escort appointed under section 110.5 shall display on a highway a traffic control stop or slow sign.

12. (1) Subsection 166 (1) of the Act is repealed and the following substituted:

Passing street cars

Standing street car, etc.

(1) Where a person in charge of a vehicle or on horseback or leading a horse on a highway overtakes a street car or a car of an electric railway, operated in or near the centre of the roadway, which is stationary for the purpose of taking on or discharging passengers, he or she shall not pass the car or approach nearer than 2 metres measured back from the nearest door of the car that the person is approaching and through which passengers may get on or

type ou une catégorie de voies publiques pour l'application du présent article, et prescrire le type de ces panneaux et dispositifs.

Définitions

(10) Les définitions qui suivent s'appliquent au présent article.

«accompagnateur de véhicules de dimensions excessives»
Personne nommée par une autorité de nomination pour accompagner un véhicule ou un ensemble de véhicules utilisé conformément à une autorisation accordée en vertu de l'article 110 ou 110.1. («over-dimensional vehicle escort»)

«autorité de nomination» Personne ou entité désignée par un règlement pris en vertu de l'alinéa (9) a). («appointing authority»)

10. (1) La version française du paragraphe 134.1 (1) du Code est modifiée par remplacement de «son chargement» par «sa cargaison» dans le passage qui suit l'alinéa b).

(2) La version française du paragraphe 134.1 (2) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

(3) La version française du paragraphe 134.1 (4.1) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

(4) La version française du paragraphe 134.1 (4.3) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

11. (1) Le paragraphe 146.1 (2) du Code est abrogé et remplacé par ce qui suit :

Idem : pompiers

(2) Un pompier qui se trouve sur une chaussée ou près d'une chaussée où un accident s'est produit ou qui intervient dans un cas d'urgence peut faire usage d'un panneau d'arrêt ou de ralentissement de la circulation.

(2) Le paragraphe 146.1 (5) du Code est abrogé et remplacé par ce qui suit :

Utilisation non autorisée d'un panneau

(5) Nul, sauf un agent de régulation de la circulation, un pompier ou un accompagnateur de véhicules de dimensions excessives nommé en vertu de l'article 110.5, ne doit faire usage sur une voie publique d'un panneau d'arrêt ou de ralentissement de la circulation.

12. (1) Le paragraphe 166 (1) du Code est abrogé et remplacé par ce qui suit :

Dépassement des tramways

Tramway immobilisé

(1) Lorsqu'elle rattrape un tramway ou une voiture de chemin de fer électrique conduits au centre ou près du centre de la chaussée et immobilisés pour permettre aux passagers de monter à bord du tramway ou de la voiture ou d'en descendre, la personne qui a la charge d'un véhicule, qui circule à cheval ou qui mène un cheval sur une voie publique ne doit pas dépasser le tramway ou la voiture ou s'en approcher à moins de 2 mètres. Cette distance

off until the passengers have got on or got safely to the side of the street, as the case may be, but this subsection does not apply where a safety zone has been set aside and designated by a by-law passed under section 9, 10 or 11 of the *Municipal Act, 2001* or under section 7 or 8 of the *City of Toronto Act, 2006*.

(2) Subsection 166 (2) of the Act is amended by striking out “No person in charge of a vehicle or on a bicycle or on horseback or leading a horse” at the beginning and substituting “No person in charge of a vehicle or on horseback or leading a horse”.

13. (1) Subsection 174 (1) of the Act is amended by adding “and” at the end of clause (c) and by repealing clauses (d) and (e) and substituting the following:

(d) when it is safe to do so, cross the railway track.

(2) Subsection 174 (2) of the Act is amended by adding “and” at the end of clause (c) and by repealing clauses (d) and (e) and substituting the following:

(d) when it is safe to do so, cross the railway track.

(3) Section 174 of the Act is amended by adding the following subsection

Public vehicle or school bus with manual transmission

(3) The driver of a public vehicle or school bus with manual transmission who is required by subsection (1) or (2) to stop at a railway crossing shall, when it is safe to do so,

(a) cross the railway track in a gear that will not need to be changed while crossing the track; and

(b) not change gears while crossing the railway track.

14. Subsection 202 (1) of the Act is repealed and the following substituted:

Reporting by various officials

Reports by police officers

(1) Every police officer having knowledge of a fatal accident in which a motor vehicle is involved shall secure the particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar.

est calculée à partir de la porte du tramway ou de la voiture qui est la plus près de la personne s'approchant du tramway ou de la voiture et qui permet la montée ou la descente des passagers. Le dépassement n'est autorisé que lorsque les passagers sont montés à bord du tramway ou de la voiture ou se sont rendus en toute sécurité sur le côté de la rue, selon le cas. Cependant, le présent paragraphe ne s'applique pas lorsqu'il existe une zone protégée pour piétons désignée par règlement municipal adopté en vertu de l'article 9, 10 ou 11 de la *Loi de 2001 sur les municipalités* ou de l'article 7 ou 8 de la *Loi de 2006 sur la cité de Toronto*.

(2) Le paragraphe 166 (2) du Code est modifié par remplacement de «Nul ne doit, lorsqu'il a la charge d'un véhicule, circule à bicyclette, à cheval, ou mène un cheval» par «Nul ne doit, lorsqu'il a la charge d'un véhicule, circule à cheval ou mène un cheval» au début du paragraphe.

13. (1) Les alinéas 174 (1) d) et e) du Code sont abrogés et remplacés par ce qui suit :

d) lorsqu'il peut le faire en toute sécurité, il franchit la voie.

(2) Les alinéas 174 (2) d) et e) du Code sont abrogés et remplacés par ce qui suit :

d) lorsqu'il peut le faire en toute sécurité, il franchit la voie.

(3) L'article 174 du Code est modifié par adjonction du paragraphe suivant :

Véhicules de transport en commun ou autobus scolaires à transmission manuelle

(3) Le conducteur d'un véhicule de transport en commun ou d'un autobus scolaire à transmission manuelle qui est tenu, en application du paragraphe (1) ou (2), de s'arrêter à un passage à niveau fait ce qui suit, lorsqu'il peut le faire en toute sécurité :

a) il franchit la voie avec son véhicule embrayé de façon à n'avoir pas besoin de changer de vitesse pendant qu'il traverse la voie;

b) il ne change pas de vitesse pendant qu'il traverse la voie.

14. Le paragraphe 202 (1) du Code est abrogé et remplacé par ce qui suit :

Rapports établis par une personne ou un organisme

Rapports établis par des agents de police

(1) L'agent de police ayant connaissance d'un accident mortel dans lequel un véhicule automobile est impliqué obtient les détails concernant cet accident, les personnes impliquées et les autres renseignements éventuellement nécessaires pour remettre un rapport écrit au registraire. À cet effet, il utilise les formules prescrites et fait parvenir ce rapport sans délai au registraire.

15. Subsection 205.22 (1) of the Act is repealed and the following substituted:**Failure to appear at trial**

(1) A defendant is deemed to not wish to dispute the charge where the defendant has been issued a notice of the time and place of trial and fails to appear at the time and place appointed for the trial.

16. Subsections 210 (1) and (1.1) of the Act are repealed and the following substituted:**Notice of conviction to Registrar**

(1) A judge, provincial judge or justice of the peace who makes a conviction in respect of an offence listed in subsection (1.1) or the clerk of the court in which the conviction is made shall forthwith notify the Registrar of the conviction.

Applicable offences

(1.1) Subsection (1) applies in respect of the following offences:

1. An offence under this Act or under any regulation made under it.
2. An offence under any other Act of the Legislature or the Parliament of Canada or under any regulation or order made under such an Act committed by means of,
 - i. a motor vehicle or street car within the meaning of this Act,
 - ii. a vessel within the meaning of section 48, or
 - iii. a motorized snow vehicle.
3. An offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking.

**JOBS FOR TODAY AND TOMORROW ACT
(BUDGET MEASURES), 2016**

17. (1) Subsections 5 (1) and (2) of Schedule 12 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 are repealed.

(2) This section applies only if subsections 5 (1) and (2) of Schedule 12 to the Act are not in force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

COMMENCEMENT**Commencement**

18. (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2016* receives Royal Assent.

15. Le paragraphe 205.22 (1) du Code est abrogé et remplacé par ce qui suit :**Défaut de comparaître au procès**

(1) Le défendeur est réputé ne pas désirer contester l'accusation si un avis des date, heure et lieu de la tenue du procès lui a été délivré et qu'il ne comparaît pas aux date, heure et lieu fixés pour le procès.

16. Les paragraphes 210 (1) et (1.1) du Code sont abrogés et remplacés par ce qui suit :**Avis de déclaration de culpabilité remis au registraire**

(1) Le juge, le juge provincial ou le juge de paix qui prononce une déclaration de culpabilité à l'égard d'une infraction énumérée au paragraphe (1.1) ou le greffier du tribunal devant lequel la déclaration de culpabilité a été prononcée avise sans délai le registraire de la déclaration de culpabilité.

Infractions applicables

(1.1) Le paragraphe (1) s'applique à l'égard des infractions suivantes :

1. Une infraction prévue au présent code ou à un règlement pris sous son autorité.
2. Une infraction prévue à une autre loi de la Législature ou du Parlement du Canada ou à un règlement pris ou à une ordonnance rendue sous l'autorité d'une telle loi et commise au moyen, selon le cas :
 - i. d'un véhicule automobile ou d'un tramway au sens du présent code,
 - ii. d'un bateau au sens de l'article 48,
 - iii. d'une motoneige.
3. Une infraction prévue à un règlement municipal qui régit la circulation sur les voies publiques, sauf en ce qui concerne des déclarations de culpabilité pour des infractions relatives à l'immobilisation ou au stationnement.

**LOI DE 2016 FAVORISANT LA CRÉATION D'EMPLOIS
POUR AUJOURD'HUI ET DEMAIN
(MESURES BUDGÉTAIRES)**

17. (1) Les paragraphes 5 (1) et (2) de l'annexe 12 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* sont abrogés.

(2) Le présent article s'applique seulement si les paragraphes 5 (1) et (2) de l'annexe 12 de la *Loi* ne sont pas en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

ENTRÉE EN VIGUEUR**Entrée en vigueur**

18. (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la *Loi de 2016 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Same

(2) Section 9 and subsection 11 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) L'article 9 et le paragraphe 11 (2) entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Different dates for same Schedule

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3. The short title of this Act is the *Burden Reduction Act, 2016*.

Différentes dates pour une même annexe

(3) Si une annexe de la présente loi prévoit que l'une ou l'autre de ses dispositions entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation, la proclamation peut s'appliquer à une ou à plusieurs d'entre elles. En outre, des proclamations peuvent être prises à des dates différentes en ce qui concerne n'importe lesquelles de ces dispositions.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2016 sur l'allègement du fardeau réglementaire*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 27

**An Act to reduce the regulatory burden on business, to enact various new Acts
and to make other amendments and repeals**

The Hon. B. Duguid
Minister of Economic Development and Growth

Government Bill



1st Reading	September 27, 2016
2nd Reading	November 29, 2016
3rd Reading	
Royal Assent	

*(Reprinted as amended by the Standing Committee on General Government
and as reported to the Legislative Assembly February 28, 2017)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

Burden Reduction Act, 2017

EXPLANATORY NOTE

The Bill is part of a government initiative to reduce the regulatory burden on business and to achieve a cost savings for government.

The Bill amends or repeals a number of Acts and enacts a number of new Acts. For convenience, the amendments, repeals and new Acts are set out in separate Schedules. Schedules with the name of Ministries include amendments to and repeals of Acts that are administered by the Ministry involved or that affect that Ministry. The commencement provisions for each of the Schedules are set out in the Schedules.

SCHEDULE 1

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

The Schedule adds a new section 6.2 to the *Ministry of Agriculture, Food and Rural Affairs Act* to enable the Minister to establish programs for the encouragement of agriculture, food and rural affairs. Section 7 of the Act, which currently gives the power to establish such program to the Lieutenant Governor in Council, continues in effect. Any such programs that were established by the Lieutenant Governor in Council before the day the Schedule comes into force are deemed to have been made by the Minister under section 6.2. The Schedule also adds a new section 6.1 to the Act which provides that the Minister may enter into agreements in respect of any matter that is under his or her administration under any Act.

SCHEDULE 2

MINISTRY OF THE ATTORNEY GENERAL

Courts of Justice Act

The Schedule makes various amendments to the *Courts of Justice Act*.

Section 43 of the Act is amended by adding a provision providing for protection from liability for the Judicial Appointments Advisory Committee and its members. Existing immunity provisions in subsections 33.1 (21), 49 (27) and 86.2 (19) of the Act are amended so that the wording of the various immunity provisions is consistent.

Section 48 of the Act is amended to provide that letters of resignation from provincial judges, or letters of election to sit as a provincial judge from judges holding administrative positions, are to be delivered, in the usual case, to the Chief Justice of the Ontario Court of Justice rather than to the Attorney General. The re-enacted subsection 86.1 (7) provides that letters of resignation from case management masters continue to be deliverable to the Attorney General.

Subsections 70 (2) and (3) of the Act are repealed and replaced by section 70.1, which transfers the rule-making authority for proceedings under the *Provincial Offences Act* to the Attorney General, subject to prior specified court approval.

Amendments are made to section 73 of the Act to specify that the assignment of powers and duties of specified persons in proceedings must be in writing and may be subject to conditions or restrictions, and to confirm that such powers and duties may be assigned to persons whether or not they are public servants.

A new section 87.2 of the Act establishes the judicial position of Small Claims Court Administrative Judge, and sets out the rules respecting her or his appointment and reappointment, terms, remuneration and other relevant matters. Complementary amendments are made to sections 14, 21, 24, 33, 53 and 65 to provide for the following, among other things:

1. The Small Claims Court Administrative Judge may hear and determine proceedings in the Small Claims Court.
2. The Chief Justice of the Superior Court of Justice may delegate to the Small Claims Court Administrative Judge her or his powers to direct and supervise the sittings of the Small Claims Court and the assignment of its judicial duties.
3. The Small Claims Court Administrative Judge may be appointed as a member of the Deputy Judges Council.
4. The Small Claims Court Administrative Judge is a member of the Civil Rules Committee.

Finally, a number of spent transitional provisions are repealed, and a cross-reference is updated in clause 102 (8) (c) of the Act.

Justices of the Peace Act

Section 2.1 of the *Justices of the Peace Act* is amended by adding a provision providing for protection from liability for the Justices of the Peace Appointments Advisory Committee and its members.

Subsection 5.1 (1) of the Act is amended to require the Attorney General to change the status of a justice of the peace to per diem status on the request of the justice of the peace, if specified conditions are met.

Section 7 of the Act is amended to provide that letters of resignation are to be sent by justices of the peace to the Chief Justice of the Ontario Court of Justice rather than to the Attorney General.

Finally, a number of spent transitional provisions are repealed.

Legislation Act, 2006

The definition of “rules of court” in section 87 of the *Legislation Act, 2006* is amended consequentially to reflect the change in rule-making authority made by this Schedule to section 70 of the *Courts of Justice Act*.

Professional Engineers Act

Two housekeeping amendments are made to the *Professional Engineers Act*. Paragraph 16 of subsection 7 (1) of the Act is re-enacted to reflect earlier, related amendments to section 21 of the Act. And, in clause 28 (4) (h) of the Act the reference to the Treasurer of Ontario is updated.

Provincial Offences Act

A new section 70.1 is added to the *Provincial Offences Act*. This section requires defendants to pay certain collection costs incurred by a municipality when it collects on a fine in default. These collection costs are deemed to be part of the fine in default.

Open for Business Act, 2010

Subsection 5 (17) of Schedule 2 to the *Open for Business Act, 2010*, which would if it came into force repeal clause 12 (3) (a) of the *Professional Engineers Act*, is itself repealed. Clause 12 (3) (a) of the *Professional Engineers Act* provides that acts that are within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of a person’s employer in the production of products by the person’s employer, do not require a licence, temporary licence, provisional licence, limited licence or certificate of authorization except in certain circumstances.

SCHEDULE 3 BULK SALES ACT REPEAL

The Schedule repeals the *Bulk Sales Act* and makes consequential amendments to other Acts.

SCHEDULE 4 INTERNATIONAL CHOICE OF COURT AGREEMENTS CONVENTION ACT, 2017

The Schedule implements the Hague Convention of 30 June 2005 on Choice of Court Agreements.

SCHEDULE 5 INTERNATIONAL COMMERCIAL ARBITRATION ACT, 2017

The Schedule repeals and replaces the *International Commercial Arbitration Act*. The replacement Act provides for the application in Ontario of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted by the United Nations Conference on International Commercial Arbitration in New York on 10 June 1958, and of the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law on 21 June 1985, as amended by the United Nations Commission on International Trade Law on 7 July 2006.

In addition, the *Arbitration Act, 1991* and the *Limitations Act, 2002* are amended to align limitation periods applicable to the commencement of proceedings to enforce awards made under the *Arbitration Act, 1991* and awards to which the *International Commercial Arbitration Act, 2017* applies, and to provide that those limitation periods apply instead of the limitation periods established under the *Limitations Act, 2002*.

SCHEDULE 6 INTERNATIONAL ELECTRONIC COMMUNICATIONS CONVENTION ACT, 2017

The Schedule implements the United Nations Convention on the Use of Electronic Communications in International Contracts.

SCHEDULE 7
INTERNATIONAL RECOGNITION OF TRUSTS ACT, 2017

The Schedule implements the Convention on the Law Applicable to Trusts and on their Recognition.

SCHEDULE 8
INTERNATIONAL SALE OF GOODS ACT AMENDMENTS

The Schedule amends the *International Sale of Goods Act* to provide for the implementation in Ontario of the Convention on the Limitation Period in the International Sale of Goods and of the Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol amending the Convention on the Limitation Period in the International Sale of Goods. In consequence, the title of the Act is changed to the *International Sales Conventions Act*.

The Schedule makes a consequential amendment to the *Limitations Act, 2002*, to provide that it does not apply to proceedings to which one of the Conventions on limitation periods applies.

SCHEDULE 9
MINISTRY OF CITIZENSHIP AND IMMIGRATION

The Schedule amends the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* and makes complementary amendments to other Acts. Employees of the Office of the Fairness Commissioner are appointed under Part III of the *Public Service of Ontario Act, 2006*.

SCHEDULE 10
MINISTRY OF ENERGY

Electricity Act, 1998

The Schedule amends the *Electricity Act, 1998* to provide market participants with a more flexible appeals process that allows the Ontario Energy Board up to 120 days to make a final decision in an appeal from an amendment of the market rules.

Ontario Energy Board Act, 1998

The Schedule makes several amendments to the *Ontario Energy Board Act, 1998*. Among the amendments:

1. It is provided that the Ontario Energy Board ("the Board") may exercise its powers with respect to a regulated utility even where a liquidator or similar official has been appointed with respect to the regulated utility.
- ~~2. The Board is given the power to make rules and licence conditions respecting the periods during which gas or electricity may not be disconnected from low volume consumers.~~
3. The specific timing periods for the Board's orders respecting the reflection in rates of deferral and variance accounts are removed.
4. The Board is given the power to publish audit and compliance results of an inspection, subject to a determination of confidentiality.
5. The Board is given increased discretion when reviewing acquisitions involving generators owning transmission or distribution assets or transmitters or distributors owning generation assets and also given the power to exempt certain minor transactions from review.

SCHEDULE 11
MINISTRY OF THE ENVIRONMENT AND CLIMATE CHANGE

Environmental Protection Act

The Schedule amends the *Environmental Protection Act* to allow for prescribed instruments to cease to apply in respect of an activity at a site where a registration is in effect in respect of the activity under Part II.2 of the Act.

Other Acts

The Schedule amends each of the following Acts to include provisions relating to requirements that persons respond to reasonable inquiries for the purposes of determining compliance with the Act: the *Clean Water Act, 2006*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* and the *Toxics Reduction Act, 2009*.

The Schedule makes other minor amendments, including technical amendments, to various Acts.

SCHEDULE 12 MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

Business Corporations Act

Currently, with certain exceptions, a meeting of the board of directors of a corporation must be held at its registered office. An amendment provides that unless the articles or by-laws of a corporation provide otherwise, a meeting of the board of directors may be held at any place. The Schedule also makes certain technical amendments.

Business Regulation Reform Act, 1994

The Schedule amends the Act in respect of business identifiers. Currently, the Minister responsible for the administration of section 8 of the Act may enter into agreements with certain types of entities to require those entities to use the system of business identifiers that is established under the Act. The amendment allows the Minister to enter into these agreements with two additional types of entities: corporations that administer a designated Act (or provisions of a designated Act) on behalf of the Government of Ontario; Crown corporations that exercise powers or perform duties under a designated Act.

Consumer Protection Act, 2002

The Director under the Act may enter into an agreement with other entities that will disclose information to the Ministry for the purpose of making the information publicly available. Those entities include another ministry of the Government of Ontario, a corporation that administers Ontario legislation, an Ontario agency, board or commission, a municipality or the Government of Canada.

The Ministry may mediate a complaint received under section 105 of the Act if the parties to the complaint agree to mediation. The Ministry may request in writing that either party to a mediation provide to the Ministry documents or other evidence that are relevant to the complaint.

In addition to the powers of inspection involving entering a place, an inspector may contact any person who is in control of the operations of a supplier and may exercise the powers that he or she has to conduct an inspection with respect to the supplier or person, if the inspector establishes that the supplier is subject to the Act and that the person is in control of the operations of the supplier.

The power of the Director to delegate order-making powers to an inspector is expanded to include powers to make a proposal under specified sections of the Act.

Freedom of Information and Protection of Privacy Act

Municipal Freedom of Information and Protection of Privacy Act

Currently, each Act requires a person seeking access to a record to make a request in writing to the institution that the person believes has custody or control of the record. The Schedule amends each Act to require the person to specify that the request is being made under the Act.

Land Titles Act

~~The definition of "fraudulent instrument" in the Act is made more general by removing specific examples of fraud.~~

When easements are registered under section 39 of the Act, the Director of Titles is allowed to determine the evidence required for recording the easements on title and the manner of recording them.

To prove their percentage of ownership, co-owners are no longer required to provide an affidavit, but instead are required to provide the proof that the Director of Titles requires.

Personal Property Security Act

A secured party is no longer required to provide a copy of a verification statement to a debtor within 30 days after the date of registration of a financing statement or financing change statement, if the debtor waives the right to receive a copy. The Schedule also makes a technical amendment to the French version of the Act.

Technical Standards and Safety Act, 2000

The Schedule imposes a deadline of 90 days for an appeal to a director under section 22 of the Act.

SCHEDULE 13 MINISTRY OF LABOUR

Protecting Child Performers Act, 2015

The Schedule amends the *Protecting Child Performers Act, 2015* in respect of overnight travel expenses, the number of hours a child performer may work in a day, rules relating to breaks and requirements for individualized adult accompaniment.

Registered Human Resources Professionals Act, 2013

The Schedule amends the *Registered Human Resources Professionals Act, 2013* authorizing certain members of the Human Resources Professionals Association to perform workplace investigations.

SCHEDULE 14
MINISTRY OF NATURAL RESOURCES AND FORESTRY

Crown Forest Sustainability Act, 1994

The Schedule amends the *Crown Forest Sustainability Act, 1994* to change the maximum term of a forest resource licence granted under section 27 of the Act from five years to 10 years and to change the maximum renewal term of such a licence from one year to two years. The Schedule also allows for documents that are incorporated by reference in manuals prepared under section 68 and in regulations made under section 69, to be incorporated as those documents may be amended from time to time.

Fish and Wildlife Conservation Act, 1997

The Schedule amends the *Fish and Wildlife Conservation Act, 1997*.

Subsection 1 (1) of the Act currently defines furbearing mammal, game amphibian, game bird, game mammal and game reptile, as well as specially protected amphibian, specially protected bird, specially protected invertebrate, specially protected mammal, specially protected raptor and specially protected reptile as a member of the corresponding species set out in Schedules 1 to 11 to the Act or prescribed by the regulations as such a species. Schedules 1 to 11 are repealed and the definitions are amended to remove the references to the Schedules.

Subsection 1 (7) is amended to specify applicable criteria for determining when an electronic ignition muzzle-loading gun is considered a loaded firearm for the purposes of the Act.

Currently, under subsection 6 (2), the holder of a licence to trap furbearing mammals is authorized to trap or hunt wildlife referred to in that subsection to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year. The subsection is amended to also authorize the holder to hunt the wildlife referred to in the subsection to the extent that the open season falls within any additional period prescribed by the regulations. A related regulation-making power is added to section 112.

Currently, subsection 16 (1) prohibits a person who is in possession of a firearm for the purpose of hunting or trapping from discharging or handling the firearm without due care and attention or without reasonable consideration for people or property, and subsection 16 (2) requires a person to report injuries caused by the discharge of a firearm while the person is in possession of the firearm for the purpose of hunting or trapping. The subsections are amended to also apply to a person who is in possession of a firearm for the purpose of fishing.

Currently, under clause 31 (3) (b), a white-tailed deer, an American elk and other prescribed wildlife may not be harassed, captured or killed in protection of property unless it is done in accordance with the authorization of the Minister of Natural Resources and Forestry. Clause 31 (3) (b) is amended to provide that this may also be done in circumstances prescribed by the regulations. A related regulation-making power is added to section 112.

Under new section 72.1, the Minister may refuse to issue to a person who is in default of the payment of a fine imposed for an offence under the Act or the *Fisheries Act* (Canada) any licence under the Act or any component of a licence under the Act, until the fine is paid.

Current subsection 76 (1) provides that Minister's notices of refusal or cancellation of a licence referred to in that subsection shall be served personally or by registered mail. Section 76 is re-enacted to provide that these notices shall be served personally, by mail or by any other method prescribed by the regulations. A related regulation-making power is added to section 112.

Current clause 104 (1) (c) provides that if a person is convicted of an offence for the careless use of a firearm under subsection 16 (1), the court shall order that before applying for a licence to hunt, the person shall complete a hunter education course prescribed by the regulations and pass an examination for applicants for licences to hunt. Clause 104 (1) (c) is re-enacted to provide that the court shall order that before applying for a licence to hunt, the person shall complete the educational requirements and pass the examinations prescribed by the regulations for the licence.

New section 114.1 provides that regulations that adopt documents by reference may adopt the documents as they may be amended from time to time after the regulations are made.

The Schedule makes several housekeeping amendments to the Act, including an amendment to update the definition of "Ontario Fishery Regulations" in subsection 1 (1) and an amendment to update the cross-reference to a federal Act in subsection 87 (2).

Lakes and Rivers Improvement Act

The Schedule amends clause 14 (3) (a) of the *Lakes and Rivers Improvement Act* which requires a person applying for the Minister's approval of the plan and specifications for the construction of a dam in a lake or river to submit three copies of the plans and specification with the application. The amendment would require the person to submit the number of copies of the plans and specifications that the Minister requires up to a maximum of three copies. A couple of technical amendments are also made to the Act.

Public Lands Act

The Schedule amends the Public Lands Act to add a provision that entitles a person to occupy public lands for the purpose of erecting or placing on the public lands, and using, a building, structure or things of a prescribed type or class or that meets prescribed specifications. No lease, licence, permit or other instrument under the Act is required to authorize the occupation of public lands under this provision. Rules respecting the occupation of public lands are specified in the Act and the regulations. A person who occupies public lands under this new provision must vacate the public lands and remove the buildings, structures or things from the public lands when required to do so by regulation or by notice given by the Minister.

SCHEDULE 15 MINISTRY OF NORTHERN DEVELOPMENT AND MINES

The Schedule amends section 10 of the *Ministry of Northern Development, Mines and Forestry Act* to give the Minister the power to establish programs under that section. Currently the programs are established by the Lieutenant Governor in Council on the recommendation of the Minister.

SCHEDULE 16 MINISTRY OF TOURISM, CULTURE AND SPORT

Ontario Place Corporation Act

The Schedule amends the Act to broaden the objects of Ontario Place Corporation.

Section 9 of the Act is amended to broaden Ontario Place Corporation's development, acquisition, construction, operation, maintenance and management powers. Ontario Place Corporation is also given the power to acquire and dispose of land or any interest in land, subject to the Lieutenant Governor in Council's approval.

SCHEDULE 17 MINISTRY OF TRANSPORTATION

Highway Traffic Act

The definition of "power-assisted bicycle" in subsection 1 (1) of the Act is amended to specify that it must be fitted at all times with pedals that are operable and is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals. Related amendments are made to section 82 of the Act: subsections 82 (2) and (3) are re-enacted to give police officers and transportation enforcement officers the power to require that power-assisted bicycles be submitted for examinations and tests. A consequential amendment is made to Bill 173, the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 if the amendments to subsections 82 (2) and (3) of the *Highway Traffic Act* in that Act are not in force before the re-enactments of those subsections in this Schedule are in force.

Current subsection 62 (14) of the Act permits the use of flashing red hazard lights. Subsection 62 (14) is re-enacted to permit the use of flashing red turning signal lights as well.

Under new section 110.5, over-dimensional vehicle escorts may be appointed; they will have the authority to direct traffic or close highways while escorting vehicles or combinations of vehicles that exceed the Act's dimensional or weight limits. A consequential amendment is made to subsection 146.1 (5) of the Act to permit over-dimensional vehicle escorts to use traffic control stop and slow signs.

Current subsection 146.1 (2) of the Act permits firefighters to display a traffic control stop or slow sign when attending at an accident. This is re-enacted to permit firefighters to display the stop and slow signs when attending to any emergency on or adjacent to a roadway.

Current subsection 166 (1) of the Act requires vehicles, bicycles and horses that overtake a stopped street car taking on or discharging passengers to stay at least 2 metres behind the rear or front entrance or exit until the passengers are safely on the street car or the side of the street. This is re-enacted to refer to any door of the street car. The reference to bicycles in both subsections 166 (1) and (2) is deleted, because vehicle, by definition, includes a bicycle.

Section 174 of the Act is amended to provide that the requirements that public vehicles and school buses not change gears while crossing a railway crossing only applies to those vehicles with manual transmission.

Current subsection 202 (1) of the Act requires Crown attorneys and police officers to report fatal accidents to the Registrar of Motor Vehicles. This is re-enacted so that it no longer applies to Crown attorneys.

Current subsection 205.22 (1) of the Act provides that a defendant who has given notice of an intention to appear at trial and who fails to appear shall be deemed not to dispute the charge. This is re-enacted to say that a defendant is deemed not wish to dispute the charge if the defendant has been issued a notice of the time and place of trial and fails to appear.

Section 210 of the Act requires that notice of convictions for certain specified offences be given to the Registrar of Motor Vehicles. Currently, subsection 210 (1.1) lists convictions under various Acts, including the *Highway Traffic Act*, committed by means of a motor vehicle, street car, vessel or motorized snow vehicle for which this notice must be given. Subsections 210 (1) and (1.1) are re-enacted to provide that a conviction for any offence under the *Highway Traffic Act* requires this notice.

In addition, housekeeping amendments are made as follows: the citation of the *Motor Vehicle Transport Act* (Canada) in sections 17 and 17.0.2 of the Act is corrected; reference to “a dishonoured cheque” in clause 46 (4) (d) is changed to “a dishonoured payment”; corrections are made to the French version of a number of provisions.

An Act to reduce the regulatory burden on business, to enact various new Acts and to make other amendments and repeals

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Ministry of Agriculture, Food and Rural Affairs
Schedule 2	Ministry of the Attorney General
Schedule 3	Bulk Sales Act Repeal
Schedule 4	International Choice of Court Agreements Convention Act, 2017
Schedule 5	International Commercial Arbitration Act, 2017
Schedule 6	International Electronic Communications Convention Act, 2017
Schedule 7	International Recognition of Trusts Act, 2017
Schedule 8	International Sale of Goods Act Amendments
Schedule 9	Ministry of Citizenship and Immigration
Schedule 10	Ministry of Energy
Schedule 11	Ministry of the Environment and Climate Change
Schedule 12	Ministry of Government and Consumer Services
Schedule 13	Ministry of Labour
Schedule 14	Ministry of Natural Resources and Forestry
Schedule 15	Ministry of Northern Development and Mines
Schedule 16	Ministry of Tourism, Culture and Sport
Schedule 17	Ministry of Transportation

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Schedules

(2) The Schedules to this Act come into force as provided in each Schedule.

Different dates for same Schedule

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Burden Reduction Act, 2017*.

SCHEDULE 1
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS ACT

1 Clause 4 (a) of the *Ministry of Agriculture, Food and Rural Affairs Act* is amended by striking out “agriculture and food” and substituting “agriculture, food and rural affairs”.

2 The Act is amended by adding the following sections:

Agreements

6.1 The Minister may enter into agreements in respect of any matter that is under his or her administration under this or any other Act.

Establishment of programs by Minister

6.2 (1) The Minister may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs.

Contents of order

(2) An order establishing a program shall set out,

- (a) the conditions under which services are to be provided under the program;
- (b) the conditions under which any grants or other payments under the program may be made and the circumstances in which the grants and payments shall be repaid;
- (c) any restrictions on whether a grant or the payment made under the program may be assigned, charged, attached or given as security, and the legal effect of any purported transaction that contravenes the restrictions; and
- (d) the circumstances under which expenses incurred by participants in the program in connection with the program may be reimbursed by the Minister.

Fees

(3) An order establishing a program may,

- (a) require that persons participating in the program or classes of such persons pay fees;
- (b) fix the amount of the fees; and
- (c) specify any circumstances in which the fees may be waived or refunded.

Delegation of program administration

(4) An order establishing a program may specify that any of the following persons are authorized to administer the program:

- 1. A person employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the Ministry.
- 2. A person or entity other than a person described in paragraph 1 with whom the Minister enters into an agreement in respect of administering the program.

Municipal valuers

(5) If a program requires the appointment of valuers for the purposes of investigating or assessing damage to livestock or poultry caused by wild animals, the council of every municipality shall appoint one or more persons as valuers for that purpose.

Publication of order

(6) An order made under subsection (1) shall be published on the Government of Ontario’s website.

Part III of Legislation Act, 2006

(7) Part III of the *Legislation Act, 2006* does not apply to an order made under this section.

3 (1) Subsection 7 (1) of the Act is repealed and the following substituted:

(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs.

(2) Section 7 of the Act is amended by adding the following subsections:

Part III of Legislation Act, 2006

(7) Part III of the *Legislation Act, 2006* does not apply to an order made under this section.

Transition to Minister's orders

(8) A program that was established by the Lieutenant Governor in Council under this section before the day section 2 of Schedule 1 of the *Burden Reduction Act, 2017* comes into force and that is still in effect on that day is deemed, on and after that day, to be a program established by the Minister under section 6.2.

Commencement

4 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 2
MINISTRY OF THE ATTORNEY GENERAL
COURTS OF JUSTICE ACT

1 Section 14 of the *Courts of Justice Act* is amended by adding the following subsection:

Small Claims Court Administrative Judge

(5.1) The Chief Justice of the Superior Court of Justice may delegate to the Small Claims Court Administrative Judge appointed under section 87.2 his or her powers and duties under subsection (1) in respect of the Small Claims Court, subject to such conditions or restrictions as he or she may specify.

2 Clause 21 (2) (b) of the Act is amended by striking out “a provincial judge or a deputy judge” and substituting “a person referred to in subsection 24 (2)”.

3 Subsection 24 (2) of the Act is repealed and the following substituted:

Other judicial officials who may preside

(2) Despite subsection (1), a proceeding in the Small Claims Court may also be heard and determined by,

- (a) a provincial judge who was assigned to the Provincial Court (Civil Division) immediately before the 1st day of September, 1990;
- (b) a deputy judge appointed under section 32; or
- (c) the Small Claims Court Administrative Judge appointed under section 87.2.

4 Clause 33 (2) (d) of the Act is repealed and the following substituted:

- (d) the Small Claims Court Administrative Judge appointed under section 87.2 or a deputy judge, as appointed by the Chief Justice; and

5 Subsection 33.1 (21) of the Act is amended by striking out “the person’s duty under this section” at the end and substituting “any power or duty of the person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

6 (1) Subsection 43 (5) of the Act is repealed.

(2) Section 43 of the Act is amended by adding the following subsection:

Personal liability

(15) No action or other proceeding for damages shall be instituted against the Committee or any of its members for any act done in good faith in the execution or intended execution of any power or duty of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

7 Subsection 47 (8) of the Act is repealed.

8 (1) Subsections 48 (1) and (2) of the Act are repealed and the following substituted:

Resignation and election

Resignation

(1) A provincial judge may at any time resign from his or her office by delivering a signed letter of resignation to the Chief Justice of the Ontario Court of Justice or, in the case of the Chief Justice, to the Attorney General.

Election

(2) A Chief Justice, an associate chief justice or a regional senior judge may, before the expiry of his or her term of office under section 42, elect to hold the office of a provincial judge only, by delivering a signed letter to that effect to the Attorney General in the case of a Chief Justice, or to the Chief Justice of the Ontario Court of Justice in any other case.

(2) Subsection 48 (4) of the Act is amended by striking out “to the Attorney General” and substituting “to the Chief Justice or the Attorney General, as the case may be”.

9 (1) Subsection 49 (7) of the Act is repealed.

(2) Subsection 49 (27) of the Act is amended by striking out “the Council’s or person’s duty” at the end and substituting “any power or duty of the Council or person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

10 Subsection 51.8 (5) of the Act is repealed.

11 (1) Subsection 53 (1) of the Act is amended by adding the following clause:

(a.4) providing for the matters referred to in clauses (a.2) and (a.3) with respect to the Small Claims Court Administrative Judge appointed under section 87.2;

(2) Subsection 53 (3) of the Act is amended by striking out “clause (1) (a.2) or (a.3)” and substituting “clause (1) (a.2), (a.3) or (a.4)”.

12 Clause 65 (2) (d) of the Act is repealed and the following substituted:

(d) the Small Claims Court Administrative Judge appointed under section 87.2;

13 Subsections 70 (2) and (3) of the Act are repealed.

14 The Act is amended by adding the following section before Part V:

Provincial offences rules

70.1 (1) Subject to subsection (2), the Attorney General may make rules in relation to the practice and procedure of the Court of Appeal, the Superior Court of Justice and the Ontario Court of Justice in proceedings under the *Provincial Offences Act*, including rules,

- (a) regulating any matters relating to the practice and procedure of proceedings under the *Provincial Offences Act*;
- (b) prescribing forms;
- (c) regulating the duties of the employees of the courts;
- (d) regulating the duties of municipal employees and other persons who act under the authority of agreements made under Part X of the *Provincial Offences Act*;
- (e) prescribing and regulating the procedures under any Act that confers jurisdiction under the *Provincial Offences Act* on the Ontario Court of Justice or a judge or justice of the peace sitting in it;
- (f) prescribing any matter relating to proceedings under the *Provincial Offences Act* that is referred to in an Act as provided for by the rules of court.

Prior approval of courts

(2) Before a rule may be made under subsection (1), the Attorney General shall obtain the approval of one or more of the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice and the Chief Justice of the Ontario Court of Justice, as the Attorney General considers appropriate given the proceedings to which the rule would apply.

Recommendations, proposals by courts

(3) The Attorney General shall consider any recommendations or proposals given to him or her by the Chief Justice of Ontario, the Chief Justice of the Superior Court of Justice or the Chief Justice of the Ontario Court of Justice respecting rules that may be made under subsection (1).

15 Subsection 73 (2) of the Act is repealed and the following substituted:

Assignment of powers, duties

(2) The Deputy Attorney General or a person designated by the Deputy Attorney General may, in writing, assign to any person or class of persons a power or duty given to a registrar, sheriff, court clerk, bailiff, assessment officer, Small Claims Court referee or official examiner under an Act, regulation or rule of court, subject to any conditions or restrictions set out in the assignment.

Same

(2.1) For greater certainty, a power or duty may be assigned to a person or class of persons under subsection (2) regardless of whether or not the person or persons are appointed under Part III of the *Public Service of Ontario Act, 2006*.

16 Subsections 86.1 (7) and (8) of the Act are repealed and the following substituted:

Application of ss. 46 to 48

(7) Sections 46 to 48 apply to case management masters, with necessary modifications, in the same manner as to provincial judges, with the following exceptions:

1. Section 46 does not apply in circumstances in which the rules of court require participation in alternative dispute resolution.
2. Subsection 47 (3) does not apply.
3. Letters of resignation under section 48 shall be delivered to the Attorney General instead of to the Chief Justice of the Ontario Court of Justice.

17 Subsection 86.2 (19) of the Act is amended by striking out “the person’s duty under this section” at the end and substituting “any power or duty of the person, or for any neglect or default in the exercise or performance in good faith of such power or duty”.

18 The Act is amended by adding the following section:

Small Claims Court Administrative Judge

87.2 (1) The Lieutenant Governor in Council may, on the recommendation of the Attorney General, appoint a person who meets the qualifications set out in subsection 42 (2) as Small Claims Court Administrative Judge.

Prior consultation

(2) Before making a recommendation under subsection (1), the Attorney General shall consult with the Chief Justice of the Superior Court of Justice.

Term

(3) The appointment of a person as Small Claims Court Administrative Judge is for a term of five years, subject to subsection (5).

Reappointment

(4) The Lieutenant Governor in Council shall reappoint a person as Small Claims Court Administrative Judge for one further term of five years, subject to subsection (5), if the Chief Justice of the Superior Court of Justice recommends the reappointment.

On reaching 65

(5) The completion of any portion of a term during which a person serving as Small Claims Court Administrative Judge is over 64 years of age and under 75 years of age is subject to the annual approval of the Chief Justice of the Superior Court of Justice.

On reaching 75

(6) If a person reaches 75 years of age while serving as Small Claims Court Administrative Judge, his or her term is deemed to expire on that day.

Compensation

(7) The salary, pension benefits, other benefits and allowances of the Small Claims Court Administrative Judge are subject to the recommendations of the Provincial Judges Remuneration Commission and, for the purpose, the Small Claims Court Administrative Judge is deemed to be a provincial judge under the framework agreement set out in the Schedule to this Act.

Same

(8) Until and subject to the first recommendations of the Provincial Judges Remuneration Commission respecting the Small Claims Court Administrative Judge, he or she is entitled to receive the same salary, pension benefits, other benefits and allowances a provincial judge receives under the framework agreement.

Application of ss. 44 to 46

(9) Subsections 44 (1) and (4), and sections 45 and 46, apply with necessary modifications to the Small Claims Court Administrative Judge as if he or she were a provincial judge, subject to the following:

1. For the purposes of subsection 44 (1), the consent of the Chief Justice of the Superior Court of Justice is required.
2. For the purposes of an application under section 45, one of the members of the Judicial Council who is a provincial judge shall be replaced by a judge of the Superior Court of Justice. The Chief Justice of the Ontario Court of Justice shall determine which judge is to be replaced and the Chief Justice of the Superior Court of Justice shall designate the judge who is to replace that judge.

Resignation

(10) The Small Claims Court Administrative Judge may at any time resign from his or her office by delivering a signed letter of resignation to the Attorney General.

Complaints

(11) Any person may make a complaint alleging misconduct by the Small Claims Court Administrative Judge to the Ontario Judicial Council continued under section 49.

Same

(12) For the purposes of subsection (11), sections 51.3 to 51.8 apply with necessary modifications to the Small Claims Court Administrative Judge as if he or she were a provincial judge, subject to the following:

1. One of the members of the Judicial Council who is a provincial judge shall be replaced by a judge of the Superior Court of Justice. The Chief Justice of the Ontario Court of Justice shall determine which judge is to be replaced and the Chief Justice of the Superior Court of Justice shall designate the judge who is to replace that judge.
2. Complaints shall be referred to the Chief Justice of the Superior Court of Justice rather than to the Chief Justice of the Ontario Court of Justice.
3. Subcommittee recommendations with respect to interim suspension shall be made to the Chief Justice of the Superior Court of Justice, to whom subsections 51.4 (10) and (11) apply with necessary modifications.

Standards, education, evaluation

(13) Subject to the consent of the Chief Justice of the Superior Court of Justice, sections 51.9, 51.10 and 51.11 apply with necessary modifications to the Small Claims Court Administrative Judge.

19 Clause 102 (8) (c) of the Act is amended by striking out “section 89 of the *Labour Relations Act*” and substituting “section 94 of the *Labour Relations Act, 1995*”.

JUSTICES OF THE PEACE ACT

20 (1) Subsection 2.1 (7) of the *Justices of the Peace Act* is repealed and the following substituted:

Personal liability

(7) No action or other proceeding for damages shall be instituted against the Advisory Committee or any of its members for any act done in good faith in the execution or intended execution of any power or duty of the Advisory Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

(2) Subsection 2.1 (12.1) of the Act is repealed.

21 Subsection 5.1 (1) of the Act is amended by striking out “may change” in the portion before paragraph 1 and substituting “shall change”.

22 (1) Subsection 7 (1) of the Act is amended by striking out “the Attorney General” at the end and substituting “the Chief Justice of the Ontario Court of Justice”.

(2) Subsection 7 (2) of the Act is amended by striking out “the Attorney General” and substituting “the Chief Justice of the Ontario Court of Justice”.

23 Subsection 8 (6) of the Act is repealed.

24 Subsection 16 (7) of the Act is repealed.

LEGISLATION ACT, 2006

25 The definition of “rules of court” in section 87 of the *Legislation Act, 2006* is repealed and the following substituted:

“rules of court” means rules made under Part IV of the *Courts of Justice Act*, or otherwise by an authority having power to make rules regulating court practices and procedures. (“règles de pratique”)

PROFESSIONAL ENGINEERS ACT

26 Paragraph 16 of subsection 7 (1) of the *Professional Engineers Act* is repealed and the following substituted:

16. providing for the maintenance and inspection of registers established for the purposes of section 21;

27 Clause 28 (4) (h) of the Act is amended by striking out “Treasurer of Ontario” and substituting “Minister of Finance”.

PROVINCIAL OFFENCES ACT

28 The *Provincial Offences Act* is amended by adding the following section:

Collection agency costs payable

70.1 (1) A defendant shall pay the costs that a municipality incurs by using a registered collection agency in good standing under the *Collection and Debt Settlement Services Act* to collect a fine that is in default, but the costs shall not exceed an amount approved by the municipality.

Costs collectable as a fine

(2) For the purpose of making and enforcing payment, costs payable under this section shall be deemed to be part of the fine that is in default.

OPEN FOR BUSINESS ACT, 2010

29 Subsection 5 (17) of Schedule 2 to the *Open for Business Act, 2010* is repealed.

COMMENCEMENT**Commencement**

30 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 3 BULK SALES ACT REPEAL

Bulk Sales Act

1 The *Bulk Sales Act* is repealed.

Electricity Act, 1998

2 (1) Section 135 of the *Electricity Act, 1998* is amended by striking out “The *Bulk Sales Act*” at the beginning.

(2) Section 159 of the Act is amended by striking out “The *Bulk Sales Act*” at the beginning.

Farm Implements Act

3 (1) Section 29 of the *Farm Implements Act* is repealed.

(2) Subsection 30.1 (7) of the Act is repealed.

Farm Products Payments Act

4 (1) Clause 3 (1) (b) of the *Farm Products Payments Act* is amended by striking out “or the *Bulk Sales Act*” at the end.

(2) Clause 3 (2) (b) of the Act is amended by striking out “or the *Bulk Sales Act*”.

Housing Services Act, 2011

5 (1) Paragraph 6 of section 83 of the *Housing Services Act, 2011* is repealed.

(2) Paragraph 2 of subsection 167 (1) of the Act is repealed.

Limitations Act, 2002

6 The Schedule to the *Limitations Act, 2002* is amended by striking out the row for the *Bulk Sales Act*.

Metrolinx Act, 2006

7 Subsection 44 (7) of the *Metrolinx Act, 2006* is amended by striking out “The *Bulk Sales Act*” at the beginning.

Personal Property Security Act

8 ~~(1) Clause 4 (1) (g) of the *Personal Property Security Act* is repealed.~~

(1) Clause 4 (1) (g) of the *Personal Property Security Act* is repealed and the following substituted:

(g) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose unless the vendor remains in apparent control of the business after the sale;

(2) Subsection 20 (3) of the Act is amended by striking out the portion before clause (c) and clauses (c) and (d) and substituting the following:

has priority over an interest set out in subclause (1) (a) (ii) and is effective against a person described in clause (1) (b).

Province of Ontario Savings Office Privatization Act, 2002

9 Section 10 of the *Province of Ontario Savings Office Privatization Act, 2002* is repealed.

Retail Sales Tax Act

10 (1) Subsection 6 (3) of the *Retail Sales Tax Act* is amended by striking out “a sale in bulk to which the *Bulk Sales Act* applies” and substituting “a sale in bulk to which the *Bulk Sales Act*, as it read immediately before it was repealed, would have applied had it not been repealed”.

(2) Subsection 6 (5) of the Act is amended by striking out “a sale in bulk to which the *Bulk Sales Act* applies” and substituting “a sale in bulk to which the *Bulk Sales Act*, as it read immediately before it was repealed, would have applied had it not been repealed”.

Tobacco Tax Act

11 (1) Subsection 14 (1) of the *Tobacco Tax Act* is amended by striking out “the *Bulk Sales Act*” and substituting “the *Bulk Sales Act*, as it read immediately before it was repealed,”.

(2) Subsection 14 (2) of the Act is amended by striking out “the *Bulk Sales Act*” and substituting “the *Bulk Sales Act*, as it read immediately before it was repealed,”.

Commencement

12 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 4 INTERNATIONAL CHOICE OF COURT AGREEMENTS CONVENTION ACT, 2017

CONTENTS

INTERPRETATION

1. Definition
2. Aid to interpretation

THE CONVENTION

3. Application of Convention
4. Crown bound

COMMENCEMENT AND SHORT TITLE

5. Commencement
 6. Short title
- Schedule 1 Hague Convention of 30 June 2005 on Choice of Court Agreements

INTERPRETATION

Definition

1 In this Act,

“declaration” means a declaration made by Canada under the Convention with respect to Ontario.

Aid to interpretation

2 For the purpose of interpreting the Convention, recourse may be had to the Explanatory Report on the 2005 Hague Choice of Court Agreements Convention, published by the Hague Conference on Private International Law in 2013.

THE CONVENTION

Application of Convention

3 Subject to any declaration that is in force, the Hague Convention of 30 June 2005 on Choice of Court Agreements set out in Schedule 1 has force of law in Ontario on and after the day it enters into force in accordance with Articles 28 and 31 of the Convention.

Crown bound

4 This Act binds the Crown.

COMMENCEMENT AND SHORT TITLE

Commencement

5 The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *International Choice of Court Agreements Convention Act, 2017*.

SCHEDULE 1

HAGUE CONVENTION OF 30 JUNE 2005 ON CHOICE OF COURT AGREEMENTS

The States Parties to the present Convention,

Desiring to promote international trade and investment through enhanced judicial co-operation,

Believing that such co-operation can be enhanced by uniform rules on jurisdiction and on recognition and enforcement of foreign judgments in civil or commercial matters,

Believing that such enhanced co-operation requires in particular an international legal regime that provides certainty and ensures the effectiveness of exclusive choice of court agreements between parties to commercial transactions and that governs the recognition and enforcement of judgments resulting from proceedings based on such agreements,

Have resolved to conclude this Convention and have agreed upon the following provisions -

CHAPTER I SCOPE AND DEFINITIONS

Article 1 Scope

- (1) This Convention shall apply in international cases to exclusive choice of court agreements concluded in civil or commercial matters.
- (2) For the purposes of Chapter II, a case is international unless the parties are resident in the same Contracting State and the relationship of the parties and all other elements relevant to the dispute, regardless of the location of the chosen court, are connected only with that State.
- (3) For the purposes of Chapter III, a case is international where recognition or enforcement of a foreign judgment is sought.

Article 2 Exclusions from scope

- (1) This Convention shall not apply to exclusive choice of court agreements –
- a) to which a natural person acting primarily for personal, family or household purposes (a consumer) is a party;
 - b) relating to contracts of employment, including collective agreements.
- (2) This Convention shall not apply to the following matters –
- a) the status and legal capacity of natural persons;
 - b) maintenance obligations;
 - c) other family law matters, including matrimonial property regimes and other rights or obligations arising out of marriage or similar relationships;
 - d) wills and succession;
 - e) insolvency, composition and analogous matters;
 - f) the carriage of passengers and goods;
 - g) marine pollution, limitation of liability for maritime claims, general average, and emergency towage and salvage;
 - h) anti-trust (competition) matters;
 - i) liability for nuclear damage;
 - j) claims for personal injury brought by or on behalf of natural persons;
 - k) tort or delict claims for damage to tangible property that do not arise from a contractual relationship;
 - l) rights *in rem* in immovable property, and tenancies of immovable property;
 - m) the validity, nullity, or dissolution of legal persons, and the validity of decisions of their organs;
 - n) the validity of intellectual property rights other than copyright and related rights;
 - o) infringement of intellectual property rights other than copyright and related rights, except where infringement proceedings are brought for breach of a contract between the parties relating to such rights, or could have been brought for breach of that contract;
 - p) the validity of entries in public registers.
- (3) Notwithstanding paragraph 2, proceedings are not excluded from the scope of this Convention where a matter excluded under that paragraph arises merely as a preliminary question and not as an object of the proceedings. In particular, the mere fact that a matter excluded under paragraph 2 arises by way of defence does not exclude proceedings from the Convention, if that matter is not an object of the proceedings.
- (4) This Convention shall not apply to arbitration and related proceedings.
- (5) Proceedings are not excluded from the scope of this Convention by the mere fact that a State, including a government, a governmental agency or any person acting for a State, is a party thereto.
- (6) Nothing in this Convention shall affect privileges and immunities of States or of international organisations, in respect of themselves and of their property.

Article 3 Exclusive choice of court agreements

For the purposes of this Convention –

- a) "exclusive choice of court agreement" means an agreement concluded by two or more parties that meets the requirements of paragraph c) and designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one Contracting State or one or more specific courts of one Contracting State to the exclusion of the jurisdiction of any other courts;
- b) a choice of court agreement which designates the courts of one Contracting State or one or more specific courts of one Contracting State shall be deemed to be exclusive unless the parties have expressly provided otherwise;
- c) an exclusive choice of court agreement must be concluded or documented –
 - i) in writing; or
 - ii) by any other means of communication which renders information accessible so as to be usable for subsequent reference;
- d) an exclusive choice of court agreement that forms part of a contract shall be treated as an agreement independent of the other terms of the contract. The validity of the exclusive choice of court agreement cannot be contested solely on the ground that the contract is not valid.

Article 4 Other definitions

- (1) In this Convention, "judgment" means any decision on the merits given by a court, whatever it may be called, including a decree or order, and a determination of costs or expenses by the court (including an officer of the court), provided that the determination relates to a decision on the merits which may be recognised or enforced under this Convention. An interim measure of protection is not a judgment.
- (2) For the purposes of this Convention, an entity or person other than a natural person shall be considered to be resident in the State –
 - a) where it has its statutory seat;
 - b) under whose law it was incorporated or formed;
 - c) where it has its central administration; or
 - d) where it has its principal place of business.

CHAPTER II JURISDICTION

Article 5 Jurisdiction of the chosen court

- (1) The court or courts of a Contracting State designated in an exclusive choice of court agreement shall have jurisdiction to decide a dispute to which the agreement applies, unless the agreement is null and void under the law of that State.
- (2) A court that has jurisdiction under paragraph 1 shall not decline to exercise jurisdiction on the ground that the dispute should be decided in a court of another State.
- (3) The preceding paragraphs shall not affect rules –
 - a) on jurisdiction related to subject matter or to the value of the claim;
 - b) on the internal allocation of jurisdiction among the courts of a Contracting State. However, where the chosen court has discretion as to whether to transfer a case, due consideration should be given to the choice of the parties.

Article 6 Obligations of a court not chosen

A court of a Contracting State other than that of the chosen court shall suspend or dismiss proceedings to which an exclusive choice of court agreement applies unless –

- a) the agreement is null and void under the law of the State of the chosen court;
- b) a party lacked the capacity to conclude the agreement under the law of the State of the court seised;
- c) giving effect to the agreement would lead to a manifest injustice or would be manifestly contrary to the public policy of the State of the court seised;
- d) for exceptional reasons beyond the control of the parties, the agreement cannot reasonably be performed; or
- e) the chosen court has decided not to hear the case.

Article 7 Interim measures of protection

Interim measures of protection are not governed by this Convention. This Convention neither requires nor precludes the grant, refusal or termination of interim measures of protection by a court of a Contracting State and does not affect whether or not a party may request or a court should grant, refuse or terminate such measures.

CHAPTER III RECOGNITION AND ENFORCEMENT

Article 8 Recognition and enforcement

(1) A judgment given by a court of a Contracting State designated in an exclusive choice of court agreement shall be recognised and enforced in other Contracting States in accordance with this Chapter. Recognition or enforcement may be refused only on the grounds specified in this Convention.

(2) Without prejudice to such review as is necessary for the application of the provisions of this Chapter, there shall be no review of the merits of the judgment given by the court of origin. The court addressed shall be bound by the findings of fact on which the court of origin based its jurisdiction, unless the judgment was given by default.

(3) A judgment shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

(4) Recognition or enforcement may be postponed or refused if the judgment is the subject of review in the State of origin or if the time limit for seeking ordinary review has not expired. A refusal does not prevent a subsequent application for recognition or enforcement of the judgment.

(5) This Article shall also apply to a judgment given by a court of a Contracting State pursuant to a transfer of the case from the chosen court in that Contracting State as permitted by Article 5, paragraph 3. However, where the chosen court had discretion as to whether to transfer the case to another court, recognition or enforcement of the judgment may be refused against a party who objected to the transfer in a timely manner in the State of origin.

Article 9 Refusal of recognition or enforcement

Recognition or enforcement may be refused if –

- a) the agreement was null and void under the law of the State of the chosen court, unless the chosen court has determined that the agreement is valid;
- b) a party lacked the capacity to conclude the agreement under the law of the requested State;
- c) the document which instituted the proceedings or an equivalent document, including the essential elements of the claim,
 - i) was not notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant entered an appearance and presented his case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or
 - ii) was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
- d) the judgment was obtained by fraud in connection with a matter of procedure;
- e) recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State;
- f) the judgment is inconsistent with a judgment given in the requested State in a dispute between the same parties; or
- g) the judgment is inconsistent with an earlier judgment given in another State between the same parties on the same cause of action, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.

Article 10 Preliminary questions

(1) Where a matter excluded under Article 2, paragraph 2, or under Article 21, arose as a preliminary question, the ruling on that question shall not be recognised or enforced under this Convention.

(2) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter excluded under Article 2, paragraph 2.

(3) However, in the case of a ruling on the validity of an intellectual property right other than copyright or a related right, recognition or enforcement of a judgment may be refused or postponed under the preceding paragraph only where –

- a) that ruling is inconsistent with a judgment or a decision of a competent authority on that matter given in the State under the law of which the intellectual property right arose; or
- b) proceedings concerning the validity of the intellectual property right are pending in that State.

(4) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter excluded pursuant to a declaration made by the requested State under Article 21.

Article 11

Damages

(1) Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment awards damages, including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered.

(2) The court addressed shall take into account whether and to what extent the damages awarded by the court of origin serve to cover costs and expenses relating to the proceedings.

Article 12

Judicial settlements (*transactions judiciaires*)

Judicial settlements (*transactions judiciaires*) which a court of a Contracting State designated in an exclusive choice of court agreement has approved, or which have been concluded before that court in the course of proceedings, and which are enforceable in the same manner as a judgment in the State of origin, shall be enforced under this Convention in the same manner as a judgment.

Article 13

Documents to be produced

(1) The party seeking recognition or applying for enforcement shall produce –

- a) a complete and certified copy of the judgment;
- b) the exclusive choice of court agreement, a certified copy thereof, or other evidence of its existence;
- c) if the judgment was given by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party;
- d) any documents necessary to establish that the judgment has effect or, where applicable, is enforceable in the State of origin;
- e) in the case referred to in Article 12, a certificate of a court of the State of origin that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.

(2) If the terms of the judgment do not permit the court addressed to verify whether the conditions of this Chapter have been complied with, that court may require any necessary documents.

(3) An application for recognition or enforcement may be accompanied by a document, issued by a court (including an officer of the court) of the State of origin, in the form recommended and published by the Hague Conference on Private International Law.

(4) If the documents referred to in this Article are not in an official language of the requested State, they shall be accompanied by a certified translation into an official language, unless the law of the requested State provides otherwise.

Article 14

Procedure

The procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the requested State unless this Convention provides otherwise. The court addressed shall act expeditiously.

Article 15

Severability

Recognition or enforcement of a severable part of a judgment shall be granted where recognition or enforcement of that part is applied for, or only part of the judgment is capable of being recognised or enforced under this Convention.

CHAPTER IV GENERAL CLAUSES

Article 16 Transitional provisions

- (1) This Convention shall apply to exclusive choice of court agreements concluded after its entry into force for the State of the chosen court.
- (2) This Convention shall not apply to proceedings instituted before its entry into force for the State of the court seised.

Article 17 Contracts of insurance and reinsurance

- (1) Proceedings under a contract of insurance or reinsurance are not excluded from the scope of this Convention on the ground that the contract of insurance or reinsurance relates to a matter to which this Convention does not apply.
- (2) Recognition and enforcement of a judgment in respect of liability under the terms of a contract of insurance or reinsurance may not be limited or refused on the ground that the liability under that contract includes liability to indemnify the insured or reinsured in respect of –
 - a) a matter to which this Convention does not apply; or
 - b) an award of damages to which Article 11 might apply.

Article 18 No legalisation

All documents forwarded or delivered under this Convention shall be exempt from legalisation or any analogous formality, including an Apostille.

Article 19 Declarations limiting jurisdiction

A State may declare that its courts may refuse to determine disputes to which an exclusive choice of court agreement applies if, except for the location of the chosen court, there is no connection between that State and the parties or the dispute.

Article 20 Declarations limiting recognition and enforcement

A State may declare that its courts may refuse to recognise or enforce a judgment given by a court of another Contracting State if the parties were resident in the requested State, and the relationship of the parties and all other elements relevant to the dispute, other than the location of the chosen court, were connected only with the requested State.

Article 21 Declarations with respect to specific matters

- (1) Where a State has a strong interest in not applying this Convention to a specific matter, that State may declare that it will not apply the Convention to that matter. The State making such a declaration shall ensure that the declaration is no broader than necessary and that the specific matter excluded is clearly and precisely defined.
- (2) With regard to that matter, the Convention shall not apply –

- a) in the Contracting State that made the declaration;
- b) in other Contracting States, where an exclusive choice of court agreement designates the courts, or one or more specific courts, of the State that made the declaration.

Article 22 Reciprocal declarations on non-exclusive choice of court agreements

- (1) A Contracting State may declare that its courts will recognise and enforce judgments given by courts of other Contracting States designated in a choice of court agreement concluded by two or more parties that meets the requirements of Article 3, paragraph c), and designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, a court or courts of one or more Contracting States (a non-exclusive choice of court agreement).
- (2) Where recognition or enforcement of a judgment given in a Contracting State that has made such a declaration is sought in another Contracting State that has made such a declaration, the judgment shall be recognised and enforced under this Convention, if –

- a) the court of origin was designated in a non-exclusive choice of court agreement;

- b) there exists neither a judgment given by any other court before which proceedings could be brought in accordance with the non-exclusive choice of court agreement, nor a proceeding pending between the same parties in any other such court on the same cause of action; and
- c) the court of origin was the court first seised.

Article 23 Uniform interpretation

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

Article 24 Review of operation of the Convention

The Secretary General of the Hague Conference on Private International Law shall at regular intervals make arrangements for –

- a) review of the operation of this Convention, including any declarations; and
- b) consideration of whether any amendments to this Convention are desirable.

Article 25 Non-unified legal systems

(1) In relation to a Contracting State in which two or more systems of law apply in different territorial units with regard to any matter dealt with in this Convention –

- a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
- b) any reference to residence in a State shall be construed as referring, where appropriate, to residence in the relevant territorial unit;
- c) any reference to the court or courts of a State shall be construed as referring, where appropriate, to the court or courts in the relevant territorial unit;
- d) any reference to a connection with a State shall be construed as referring, where appropriate, to a connection with the relevant territorial unit.

(2) Notwithstanding the preceding paragraph, a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

(3) A court in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a judgment from another Contracting State solely because the judgment has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

(4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 26 Relationship with other international instruments

(1) This Convention shall be interpreted so far as possible to be compatible with other treaties in force for Contracting States, whether concluded before or after this Convention.

(2) This Convention shall not affect the application by a Contracting State of a treaty, whether concluded before or after this Convention, in cases where none of the parties is resident in a Contracting State that is not a Party to the treaty.

(3) This Convention shall not affect the application by a Contracting State of a treaty that was concluded before this Convention entered into force for that Contracting State, if applying this Convention would be inconsistent with the obligations of that Contracting State to any non-Contracting State. This paragraph shall also apply to treaties that revise or replace a treaty concluded before this Convention entered into force for that Contracting State, except to the extent that the revision or replacement creates new inconsistencies with this Convention.

(4) This Convention shall not affect the application by a Contracting State of a treaty, whether concluded before or after this Convention, for the purposes of obtaining recognition or enforcement of a judgment given by a court of a Contracting State that is also a Party to that treaty. However, the judgment shall not be recognised or enforced to a lesser extent than under this Convention.

(5) This Convention shall not affect the application by a Contracting State of a treaty which, in relation to a specific matter, governs jurisdiction or the recognition or enforcement of judgments, even if concluded after this Convention and even if all States concerned are Parties to this Convention. This paragraph shall apply only if the Contracting State has made a declaration in respect of the treaty under this paragraph. In the case of such a declaration, other Contracting States shall not

be obliged to apply this Convention to that specific matter to the extent of any inconsistency, where an exclusive choice of court agreement designates the courts, or one or more specific courts, of the Contracting State that made the declaration.

(6) This Convention shall not affect the application of the rules of a Regional Economic Integration Organisation that is a Party to this Convention, whether adopted before or after this Convention –

- a) where none of the parties is resident in a Contracting State that is not a Member State of the Regional Economic Integration Organisation;
- b) as concerns the recognition or enforcement of judgments as between Member States of the Regional Economic Integration Organisation.

CHAPTER V FINAL CLAUSES

Article 27

Signature, ratification, acceptance, approval or accession

- (1) This Convention is open for signature by all States.
- (2) This Convention is subject to ratification, acceptance or approval by the signatory States.
- (3) This Convention is open for accession by all States.
- (4) Instruments of ratification, acceptance, approval or accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 28

Declarations with respect to non-unified legal systems

- (1) If a State has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that the Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (2) A declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
- (3) If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.
- (4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 29

Regional Economic Integration Organisations

- (1) A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by this Convention.
- (2) The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.
- (3) For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation declares in accordance with Article 30 that its Member States will not be Parties to this Convention.
- (4) Any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to a Regional Economic Integration Organisation that is a Party to it.

Article 30

Accession by a Regional Economic Integration Organisation without its Member States

- (1) At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare that it exercises competence over all the matters governed by this Convention and that its Member States will not be Parties to this Convention but shall be bound by virtue of the signature, acceptance, approval or accession of the Organisation.
- (2) In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 1, any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to the Member States of the Organisation.

Article 31 Entry into force

(1) This Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the second instrument of ratification, acceptance, approval or accession referred to in Article 27.

(2) Thereafter this Convention shall enter into force –

- a) for each State or Regional Economic Integration Organisation subsequently ratifying, accepting, approving or acceding to it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession;
- b) for a territorial unit to which this Convention has been extended in accordance with Article 28, paragraph 1, on the first day of the month following the expiration of three months after the notification of the declaration referred to in that Article.

Article 32 Declarations

(1) Declarations referred to in Articles 19, 20, 21, 22 and 26 may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

(2) Declarations, modifications and withdrawals shall be notified to the depositary.

(3) A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

(4) A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months after the date on which the notification is received by the depositary.

(5) A declaration under Articles 19, 20, 21 and 26 shall not apply to exclusive choice of court agreements concluded before it takes effect.

Article 33 Denunciation

(1) This Convention may be denounced by notification in writing to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.

(2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 34 Notifications by the depositary

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 27, 29 and 30 of the following –

- a) the signatures, ratifications, acceptances, approvals and accessions referred to in Articles 27, 29 and 30;
- b) the date on which this Convention enters into force in accordance with Article 31;
- c) the notifications, declarations, modifications and withdrawals of declarations referred to in Articles 19, 20, 21, 22, 26, 28, 29 and 30;
- d) the denunciations referred to in Article 33.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on 30 June 2005, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Member States of the Hague Conference on Private International Law as of the date of its Twentieth Session and to each State which participated in that Session.

SCHEDULE 5
INTERNATIONAL COMMERCIAL ARBITRATION ACT, 2017

CONTENTS

PART I
THE CONVENTION

1. Interpretation
2. Application of Convention
3. Designation of court

PART II
THE MODEL LAW

4. Interpretation
5. Application of Model Law
6. Interpretation of Model Law
7. Rules applicable to substance of dispute

PART III
GENERAL

8. Enforcement of consolidation agreements
9. Stay of proceedings
10. Limitation period
11. Appeals re jurisdiction
12. Crown bound

PART IV
COMPLEMENTARY AMENDMENTS

13. Arbitration Act, 1991
14. Limitations Act, 2002
15. Repeal

PART V
COMMENCEMENT AND SHORT TITLE

16. Commencement
17. Short title
- Schedule 1 Convention on the Recognition and Enforcement of Foreign Arbitral Awards
- Schedule 2 Uncitral Model Law on International Commercial Arbitration

PART I
THE CONVENTION

Interpretation

1 Except as otherwise provided in this Act, words and expressions used in this Part have the same meaning as the corresponding words and expressions in the Convention.

Application of Convention

2 (1) Subject to this Act, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, adopted by the United Nations Conference on International Commercial Arbitration in New York on 10 June 1958 and set out in Schedule 1, has force of law in Ontario in relation to arbitral awards or arbitration agreements in respect of differences arising out of commercial legal relationships.

Same

(2) Subsection (1) applies to arbitral awards and arbitration agreements whether made before or after the coming into force of this Act.

Determining application

(3) In determining whether the Convention applies to certain types of arbitral awards,

- (a) an arbitral award made in a jurisdiction within Canada that is considered to be international in that jurisdiction is not considered to be a domestic award for the purpose of article I (1) of the Convention; and
- (b) an arbitral award made in a jurisdiction within Canada that is not considered to be international in that jurisdiction is considered to be a domestic award for the purpose of article I (1) of the Convention.

Designation of court

3 For the purpose of seeking recognition and enforcement of an arbitral award pursuant to the Convention, application shall be made to the Superior Court of Justice.

PART II THE MODEL LAW

Interpretation

4 Except as otherwise provided in this Act, words and expressions used in this Part have the same meaning as the corresponding words and expressions in the Model Law.

Application of Model Law

5 (1) Subject to this Act, the Model Law on International Commercial Arbitration, adopted by the United Nations Commission on International Trade Law on 21 June 1985, as amended by the United Nations Commission on International Trade Law on 7 July 2006, set out in Schedule 2, has force of law in Ontario.

Same

(2) With respect to article 7 of the Model Law, option I applies in Ontario; option II does not.

Same

(3) The Model Law applies to international commercial arbitration agreements and awards made in international commercial arbitrations, whether made before or after the coming into force of this Act.

Interpretation of Model Law

6 (1) For the purposes of subsection 5 (1), the words and expressions listed in Column 2 of the following table, as used in the provisions of the Model Law set out in Column 1 of the table, shall be read as the words and expressions listed in the corresponding row of Column 3 of the table.

TABLE

Column 1	Column 2	Column 3
article 1 (1)	"agreement in force between this State and any other State or States"	"an agreement that is in force in Ontario between Canada and any other country or countries"
articles 1 (2), 17 J, 27, 34 (2) (a) (i), 34 (2) (b) (ii), and 36(1) (b) (ii)	"this State"	"Ontario"
article 1 (3)	"different States" and "the State"	"different countries" and "the country", respectively
article 1 (5)	"any other law of this State"	"any other law of Ontario or laws of Canada that are in force in Ontario"
articles 34 (2) (b) (i), and 36 (1) (b) (i)	"the law of this State"	"the law of Ontario and any laws of Canada that are in force in Ontario"
article 35 (2)	"this State"	"Canada"

Same, "court" or "competent court"

(2) "Court" or "competent court", when used in the Model Law in reference to an Ontario court, shall be read as a reference to the Superior Court of Justice unless the context requires otherwise.

Use of extrinsic material

(3) In applying the Model Law, recourse may be had to,

- (a) the Reports of the United Nations Commission on International Trade Law on the work of its 18th (3 – 21 June 1985) and 39th (19 June – 7 July 2006) sessions (U.N. Docs. A/40/17 and A/61/17);
- (b) the International Commercial Arbitration Analytical Commentary on Draft Text of a Model Law on International Commercial Arbitration (U.N. Doc A/CN.9/264); and
- (c) the Commentary of the United Nations Commission on International Trade Law concerning the UNCITRAL Model Law on International Commercial Arbitration 1985 with Amendments as Adopted in 2006 (U.N. Sales No. E.08.V.4).

Rules applicable to substance of dispute

7 Despite article 28 (2) of the Model Law, if the parties fail to make a designation pursuant to article 28 (1) of the Model Law, the arbitral tribunal shall apply the rules of law it considers to be appropriate given all the circumstances respecting the dispute.

PART III GENERAL

Enforcement of consolidation agreements

8 (1) If all parties to two or more arbitral proceedings have agreed to consolidate those proceedings, a party, with notice to the others, may apply to the Superior Court of Justice for an order that the proceedings be consolidated as agreed to by the parties.

Consolidation permissible without order

(2) Subsection (1) does not prohibit parties from consolidating arbitral proceedings without a court order.

Powers of court

(3) On an application under subsection (1), if all parties to the arbitral proceedings have agreed to consolidate the proceedings but have not agreed, through the adoption of procedural rules or otherwise, to the following matters, the court may, subject to subsection (4), make an order deciding either or both of those matters:

1. The designation of parties as claimants or respondents or a method for making those designations.
2. The method for determining the composition of the arbitral tribunal.

Same, limitation

(4) If the arbitral proceedings are under different arbitration agreements, no order shall be made under subsection (1) unless, by their arbitration agreements or otherwise, the parties have agreed,

- (a) to the same place of arbitration or a method for determining a single place of arbitration for the consolidated proceeding within Ontario;
- (b) to the same procedural rules or a method for determining a single set of procedural rules for the conduct of the consolidated proceedings; and
- (c) either to have the consolidated proceedings administered by the same arbitral institution or to have the consolidated proceedings not be administered by any arbitral institution.

Relevant circumstances

(5) In making an order under this section, the court may have regard to any circumstances that it considers relevant, including whether,

- (a) one or more arbitrators have been appointed in one or more of the arbitral proceedings;
- (b) the applicant delayed applying for the order; or
- (c) any material prejudice to any of the parties or any injustice may result from making an order.

Stay of proceedings

9 Where, pursuant to article II (3) of the Convention or article 8 of the Model Law, a court refers the parties to arbitration, the proceedings of the court are stayed with respect to the matters to which the arbitration relates.

Limitation period

10 No application under the Convention or the Model Law for recognition or enforcement (or both) of an arbitral award shall be made after the later of December 31, 2018 and the tenth anniversary of,

- (a) the date on which the award was made; or
- (b) if proceedings at the place of arbitration to set aside the award were commenced, the date on which the proceedings concluded.

Appeals re jurisdiction

11 (1) If, pursuant to article 16 (2) of the Model Law, an arbitral tribunal rules on a plea that it does not have jurisdiction, any party may apply to the Superior Court of Justice to decide the matter.

No appeal

(2) The court's decision under subsection (1) is not subject to appeal.

Effect on other matters

(3) If the arbitral tribunal rules on the plea as a preliminary question and an application is brought under this section, the proceedings of the arbitral tribunal are not stayed with respect to any other matters to which the arbitration relates and are within its jurisdiction.

Crown bound

12 (1) This Act binds the Crown.

Enforceability of awards

(2) An award recognized pursuant to this Act is enforceable against the Crown in the same manner and to the same extent as a judgment is enforceable against the Crown.

**PART IV
COMPLEMENTARY AMENDMENTS**

Arbitration Act, 1991

13 Subsection 52 (3) of the *Arbitration Act, 1991* is repealed and the following substituted:

Enforcement of award

(3) An application to enforce an award shall not be commenced after the later of December 31, 2018 and the tenth anniversary of,

- (a) the day the award was received; or
- (b) if an application to set aside the award was commenced, the date on which the application was finally determined.

Limitations Act, 2002

14 (1) Clause 16 (1) (d) of the *Limitations Act, 2002* is repealed.

(2) The Schedule to the Act is amended by adding the following:

Arbitration Act, 1991	subsection 52 (3)
.	
International Commercial Arbitration Act, 2017	section 10

Repeal

15 The *International Commercial Arbitration Act* is repealed.

**PART V
COMMENCEMENT AND SHORT TITLE**

Commencement

16 The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Short title

17 The short title of the Act set out in this Schedule is the *International Commercial Arbitration Act, 2017*.

**SCHEDULE 1
CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS**

Article I

1 This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2 The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3 When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1 Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2 The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3 The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1 To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

- (a) The duly authenticated original award or a duly certified copy thereof;
- (b) The original agreement referred to in article II or a duly certified copy thereof.

2 If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1 Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

- (a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
- (b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or
- (c) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
- (d) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
- (e) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2 Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

- (a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or
- (b) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V(1)(e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1 The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2 The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1 This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2 This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1 This Convention shall be open for accession to all States referred to in article VIII.

2 Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article X

1 Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2 At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3 With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;
- (c) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1 This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2 For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article XIII

1 Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2 Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3 This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

- (a) Signatures and ratifications in accordance with article VIII;
- (b) Accessions in accordance with article IX;
- (c) Declarations and notifications under articles I, X and XI;
- (d) The date upon which this Convention enters into force in accordance with article XII;
- (e) Denunciations and notifications in accordance with article XIII.

Article XVI

1 This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2 The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

SCHEDULE 2

UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION

(United Nations documents A/40/17, annex I and A/61/17, annex I)

**(As adopted by the United Nations Commission on
International Trade Law on 21 June 1985,
and as amended by the United Nations Commission
on International Trade Law on 7 July 2006)**

CHAPTER I. GENERAL PROVISIONS

Article 1. Scope of application

- (1) This Law applies to international commercial arbitration, subject to any agreement in force between this State and any other State or States.
- (2) The provisions of this Law, except articles 8, 9, 17 H, 17 I, 17 J, 35 and 36, apply only if the place of arbitration is in the territory of this State.
- (3) An arbitration is international if:
 - (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or
 - (b) one of the following places is situated outside the State in which the parties have their places of business:
 - (i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;
 - (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or
 - (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.
- (4) For the purposes of paragraph (3) of this article:
 - (a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;
 - (b) if a party does not have a place of business, reference is to be made to his habitual residence.

(5) This Law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

Article 2. Definitions and rules of interpretation

For the purposes of this Law:

- (a) "arbitration" means any arbitration whether or not administered by a permanent arbitral institution;
- (b) "arbitral tribunal" means a sole arbitrator or a panel of arbitrators;
- (c) "court" means a body or organ of the judicial system of a State;
- (d) where a provision of this Law, except article 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, including an institution, to make that determination;
- (e) where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties, such agreement includes any arbitration rules referred to in that agreement;
- (f) where a provision of this Law, other than in articles 25(a) and 32(2) (a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

Article 2 A. International origin and general principles

- (1) In the interpretation of this Law, regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith.
- (2) Questions concerning matters governed by this Law which are not expressly settled in it are to be settled in conformity with the general principles on which this Law is based.

Article 3. Receipt of written communications

- (1) Unless otherwise agreed by the parties:
 - (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of the attempt to deliver it;
 - (b) the communication is deemed to have been received on the day it is so delivered.
- (2) The provisions of this article do not apply to communications in court proceedings.

Article 4. Waiver of right to object

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

Article 5. Extent of court intervention

In matters governed by this Law, no court shall intervene except where so provided in this Law.

Article 6. Court or other authority for certain functions of arbitration assistance and supervision

The functions referred to in articles 11(3), 11(4), 13(3), 14, 16(3) and 34(2) shall be performed by the Superior Court of Justice.

CHAPTER II.
ARBITRATION AGREEMENT

Option I

Article 7. Definition and form of arbitration agreement

- (1) "Arbitration agreement" is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.
- (2) The arbitration agreement shall be in writing.
- (3) An arbitration agreement is in writing if its content is recorded in any form, whether or not the arbitration agreement or contract has been concluded orally, by conduct, or by other means.

(4) The requirement that an arbitration agreement be in writing is met by an electronic communication if the information contained therein is accessible so as to be useable for subsequent reference; “electronic communication” means any communication that the parties make by means of data messages; “data message” means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange (EDI), electronic mail, telegram, telex or telecopy.

(5) Furthermore, an arbitration agreement is in writing if it is contained in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by the other.

(6) The reference in a contract to any document containing an arbitration clause constitutes an arbitration agreement in writing, provided that the reference is such as to make that clause part of the contract.

Option II

Article 7. Definition of arbitration agreement

“Arbitration agreement” is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not.

Article 8. Arbitration agreement and substantive claim before court

(1) A court before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party so requests not later than when submitting his first statement on the substance of the dispute, refer the parties to arbitration unless it finds that the agreement is null and void, inoperative or incapable of being performed.

(2) Where an action referred to in paragraph (1) of this article has been brought, arbitral proceedings may nevertheless be commenced or continued, and an award may be made, while the issue is pending before the court.

Article 9. Arbitration agreement and interim measures by court

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

Article 10. Number of arbitrators

- (1) The parties are free to determine the number of arbitrators.
- (2) Failing such determination, the number of arbitrators shall be three.

Article 11. Appointment of arbitrators

- (1) No person shall be precluded by reason of his nationality from acting as an arbitrator, unless otherwise agreed by the parties.
- (2) The parties are free to agree on a procedure of appointing the arbitrator or arbitrators, subject to the provisions of paragraphs (4) and (5) of this article.
- (3) Failing such agreement,
 - (a) in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within thirty days of receipt of a request to do so from the other party, or if the two arbitrators fail to agree on the third arbitrator within thirty days of their appointment, the appointment shall be made, upon request of a party, by the court or other authority specified in article 6;
 - (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified in article 6.
- (4) Where, under an appointment procedure agreed upon by the parties,
 - (a) a party fails to act as required under such procedure, or
 - (b) the parties, or two arbitrators, are unable to reach an agreement expected of them under such procedure, or
 - (c) a third party, including an institution, fails to perform any function entrusted to it under such procedure, any party may request the court or other authority specified in article 6 to take the necessary measure, unless the agreement on the appointment procedure provides other means for securing the appointment.
- (5) A decision on a matter entrusted by paragraph (3) or (4) of this article to the court or other authority specified in article 6 shall be subject to no appeal. The court or other authority, in appointing an arbitrator, shall have due regard to any qualifications required of the arbitrator by the agreement of the parties and to such considerations as are likely to secure the

appointment of an independent and impartial arbitrator and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those of the parties.

Article 12. *Grounds for challenge*

(1) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his impartiality or independence. An arbitrator, from the time of his appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him.

(2) An arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

Article 13. *Challenge procedure*

(1) The parties are free to agree on a procedure for challenging an arbitrator, subject to the provisions of paragraph (3) of this article.

(2) Failing such agreement, a party who intends to challenge an arbitrator shall, within fifteen days after becoming aware of the constitution of the arbitral tribunal or after becoming aware of any circumstance referred to in article 12(2), send a written statement of the reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge.

(3) If a challenge under any procedure agreed upon by the parties or under the procedure of paragraph (2) of this article is not successful, the challenging party may request, within thirty days after having received notice of the decision rejecting the challenge, the court or other authority specified in article 6 to decide on the challenge, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal, including the challenged arbitrator, may continue the arbitral proceedings and make an award.

Article 14. *Failure or impossibility to act*

(1) If an arbitrator becomes *de jure* or *de facto* unable to perform his functions or for other reasons fails to act without undue delay, his mandate terminates if he withdraws from his office or if the parties agree on the termination. Otherwise, if a controversy remains concerning any of these grounds, any party may request the court or other authority specified in article 6 to decide on the termination of the mandate, which decision shall be subject to no appeal.

(2) If, under this article or article 13(2), an arbitrator withdraws from his office or a party agrees to the termination of the mandate of an arbitrator, this does not imply acceptance of the validity of any ground referred to in this article or article 12(2).

Article 15. *Appointment of substitute arbitrator*

Where the mandate of an arbitrator terminates under article 13 or 14 or because of his withdrawal from office for any other reason or because of the revocation of his mandate by agreement of the parties or in any other case of termination of his mandate, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced.

CHAPTER IV. JURISDICTION OF ARBITRAL TRIBUNAL

Article 16. *Competence of arbitral tribunal to rule on its jurisdiction*

(1) The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitral tribunal that the contract is null and void shall not entail *ipso jure* the invalidity of the arbitration clause.

(2) A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence. A party is not precluded from raising such a plea by the fact that he has appointed, or participated in the appointment of, an arbitrator. A plea that the arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

(3) The arbitral tribunal may rule on a plea referred to in paragraph (2) of this article either as a preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary question that it has jurisdiction, any party may request, within thirty days after having received notice of that ruling, the court specified in article 6 to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue the arbitral proceedings and make an award.

CHAPTER IV A. INTERIM MEASURES AND PRELIMINARY ORDERS

Section 1. Interim measures

Article 17. Power of arbitral tribunal to order interim measures

- (1) Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, grant interim measures.
- (2) An interim measure is any temporary measure, whether in the form of an award or in another form, by which, at any time prior to the issuance of the award by which the dispute is finally decided, the arbitral tribunal orders a party to:
 - (a) Maintain or restore the status quo pending determination of the dispute;
 - (b) Take action that would prevent, or refrain from taking action that is likely to cause, current or imminent harm or prejudice to the arbitral process itself;
 - (c) Provide a means of preserving assets out of which a subsequent award may be satisfied; or
 - (d) Preserve evidence that may be relevant and material to the resolution of the dispute.

Article 17 A. Conditions for granting interim measures

- (1) The party requesting an interim measure under article 17(2)(a), (b) and (c) shall satisfy the arbitral tribunal that:
 - (a) Harm not adequately reparable by an award of damages is likely to result if the measure is not ordered, and such harm substantially outweighs the harm that is likely to result to the party against whom the measure is directed if the measure is granted; and
 - (b) There is a reasonable possibility that the requesting party will succeed on the merits of the claim. The determination on this possibility shall not affect the discretion of the arbitral tribunal in making any subsequent determination.
- (2) With regard to a request for an interim measure under article 17(2)(d), the requirements in paragraphs (1)(a) and (b) of this article shall apply only to the extent the arbitral tribunal considers appropriate.

Section 2. Preliminary orders

Article 17 B. Applications for preliminary orders and conditions for granting preliminary orders

- (1) Unless otherwise agreed by the parties, a party may, without notice to any other party, make a request for an interim measure together with an application for a preliminary order directing a party not to frustrate the purpose of the interim measure requested.
- (2) The arbitral tribunal may grant a preliminary order provided it considers that prior disclosure of the request for the interim measure to the party against whom it is directed risks frustrating the purpose of the measure.
- (3) The conditions defined under article 17A apply to any preliminary order, provided that the harm to be assessed under article 17A(1)(a), is the harm likely to result from the order being granted or not.

Article 17 C. Specific regime for preliminary orders

- (1) Immediately after the arbitral tribunal has made a determination in respect of an application for a preliminary order, the arbitral tribunal shall give notice to all parties of the request for the interim measure, the application for the preliminary order, the preliminary order, if any, and all other communications, including by indicating the content of any oral communication, between any party and the arbitral tribunal in relation thereto.
- (2) At the same time, the arbitral tribunal shall give an opportunity to any party against whom a preliminary order is directed to present its case at the earliest practicable time.
- (3) The arbitral tribunal shall decide promptly on any objection to the preliminary order.
- (4) A preliminary order shall expire after twenty days from the date on which it was issued by the arbitral tribunal. However, the arbitral tribunal may issue an interim measure adopting or modifying the preliminary order, after the party against whom the preliminary order is directed has been given notice and an opportunity to present its case.
- (5) A preliminary order shall be binding on the parties but shall not be subject to enforcement by a court. Such a preliminary order does not constitute an award.

Section 3. Provisions applicable to interim measures and preliminary orders

Article 17 D. Modification, suspension, termination

The arbitral tribunal may modify, suspend or terminate an interim measure or a preliminary order it has granted, upon application of any party or, in exceptional circumstances and upon prior notice to the parties, on the arbitral tribunal's own initiative.

Article 17 E. Provision of security

(1) The arbitral tribunal may require the party requesting an interim measure to provide appropriate security in connection with the measure.

(2) The arbitral tribunal shall require the party applying for a preliminary order to provide security in connection with the order unless the arbitral tribunal considers it inappropriate or unnecessary to do so.

Article 17 F. Disclosure

(1) The arbitral tribunal may require any party promptly to disclose any material change in the circumstances on the basis of which the measure was requested or granted.

(2) The party applying for a preliminary order shall disclose to the arbitral tribunal all circumstances that are likely to be relevant to the arbitral tribunal's determination whether to grant or maintain the order, and such obligation shall continue until the party against whom the order has been requested has had an opportunity to present its case. Thereafter, paragraph (1) of this article shall apply.

Article 17 G. Costs and damages

The party requesting an interim measure or applying for a preliminary order shall be liable for any costs and damages caused by the measure or the order to any party if the arbitral tribunal later determines that, in the circumstances, the measure or the order should not have been granted. The arbitral tribunal may award such costs and damages at any point during the proceedings.

Section 4. Recognition and enforcement of interim measures

Article 17 H. Recognition and enforcement

(1) An interim measure issued by an arbitral tribunal shall be recognized as binding and, unless otherwise provided by the arbitral tribunal, enforced upon application to the competent court, irrespective of the country in which it was issued, subject to the provisions of article 17 I.

(2) The party who is seeking or has obtained recognition or enforcement of an interim measure shall promptly inform the court of any termination, suspension or modification of that interim measure.

(3) The court of the State where recognition or enforcement is sought may, if it considers it proper, order the requesting party to provide appropriate security if the arbitral tribunal has not already made a determination with respect to security or where such a decision is necessary to protect the rights of third parties.

Article 17 I. Grounds for refusing recognition or enforcement

(1) Recognition or enforcement of an interim measure may be refused only:

(a) At the request of the party against whom it is invoked if the court is satisfied that:

- (i) Such refusal is warranted on the grounds set forth in article 36(1)(a)(i), (ii), (iii) or (iv); or
- (ii) The arbitral tribunal's decision with respect to the provision of security in connection with the interim measure issued by the arbitral tribunal has not been complied with; or
- (iii) The interim measure has been terminated or suspended by the arbitral tribunal or, where so empowered, by the court of the State in which the arbitration takes place or under the law of which that interim measure was granted; or

(b) If the court finds that:

- (i) The interim measure is incompatible with the powers conferred upon the court unless the court decides to reformulate the interim measure to the extent necessary to adapt it to its own powers and procedures for the purposes of enforcing that interim measure and without modifying its substance; or
- (ii) Any of the grounds set forth in article 36(1)(b)(i) or (ii), apply to the recognition and enforcement of the interim measure.

(2) Any determination made by the court on any ground in paragraph (1) of this article shall be effective only for the purposes of the application to recognize and enforce the interim measure. The court where recognition or enforcement is sought shall not, in making that determination, undertake a review of the substance of the interim measure.

Section 5. Court-ordered interim measures

Article 17 J. Court-ordered interim measures

A court shall have the same power of issuing an interim measure in relation to arbitration proceedings, irrespective of whether their place is in the territory of this State, as it has in relation to proceedings in courts. The court shall exercise such power in accordance with its own procedures in consideration of the specific features of international arbitration.

CHAPTER V. CONDUCT OF ARBITRAL PROCEEDINGS

Article 18. Equal treatment of parties

The parties shall be treated with equality and each party shall be given a full opportunity of presenting his case.

Article 19. Determination of rules of procedure

(1) Subject to the provisions of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

Article 20. Place of arbitration

(1) The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties.

(2) Notwithstanding the provisions of paragraph (1) of this article, the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents.

Article 21. Commencement of arbitral proceedings

Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

Article 22. Language

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

Article 23. Statements of claim and defence

(1) Within the period of time agreed by the parties or determined by the arbitral tribunal, the claimant shall state the facts supporting his claim, the points at issue and the relief or remedy sought, and the respondent shall state his defence in respect of these particulars, unless the parties have otherwise agreed as to the required elements of such statements. The parties may submit with their statements all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(2) Unless otherwise agreed by the parties, either party may amend or supplement his claim or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay in making it.

Article 24. Hearings and written proceedings

(1) Subject to any contrary agreement by the parties, the arbitral tribunal shall decide whether to hold oral hearings for the presentation of evidence or for oral argument, or whether the proceedings shall be conducted on the basis of documents and other materials. However, unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such hearings at an appropriate stage of the proceedings, if so requested by a party.

(2) The parties shall be given sufficient advance notice of any hearing and of any meeting of the arbitral tribunal for the purposes of inspection of goods, other property or documents.

(3) All statements, documents or other information supplied to the arbitral tribunal by one party shall be communicated to the other party. Also any expert report or evidentiary document on which the arbitral tribunal may rely in making its decision shall be communicated to the parties.

Article 25. Default of a party

Unless otherwise agreed by the parties, if, without showing sufficient cause,

- (a) the claimant fails to communicate his statement of claim in accordance with article 23(1), the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with article 23(1), the arbitral tribunal shall continue the proceedings without treating such failure in itself as an admission of the claimant's allegations;
- (c) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

Article 26. Expert appointed by arbitral tribunal

(1) Unless otherwise agreed by the parties, the arbitral tribunal,

- (a) may appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal;
- (b) may require a party to give the expert any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(2) Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal considers it necessary, the expert shall, after delivery of his written or oral report, participate in a hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.

Article 27. Court assistance in taking evidence

The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this State assistance in taking evidence. The court may execute the request within its competence and according to its rules on taking evidence.

CHAPTER VI.
MAKING OF AWARD AND TERMINATION OF PROCEEDINGS

Article 28. Rules applicable to substance of dispute

- (1) The arbitral tribunal shall decide the dispute in accordance with such rules of law as are chosen by the parties as applicable to the substance of the dispute. Any designation of the law or legal system of a given State shall be construed, unless otherwise expressed, as directly referring to the substantive law of that State and not to its conflict of laws rules.
- (2) Failing any designation by the parties, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.
- (3) The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly authorized it to do so.
- (4) In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract and shall take into account the usages of the trade applicable to the transaction.

Article 29. Decision-making by panel of arbitrators

In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by a majority of all its members. However, questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or all members of the arbitral tribunal.

Article 30. Settlement

- (1) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.
- (2) An award on agreed terms shall be made in accordance with the provisions of article 31 and shall state that it is an award. Such an award has the same status and effect as any other award on the merits of the case.

Article 31. Form and contents of award

- (1) The award shall be made in writing and shall be signed by the arbitrator or arbitrators. In arbitral proceedings with more than one arbitrator, the signatures of the majority of all members of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.
- (2) The award shall state the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or the award is an award on agreed terms under article 30.

(3) The award shall state its date and the place of arbitration as determined in accordance with article 20(1). The award shall be deemed to have been made at that place.

(4) After the award is made, a copy signed by the arbitrators in accordance with paragraph (1) of this article shall be delivered to each party.

Article 32. Termination of proceedings

(1) The arbitral proceedings are terminated by the final award or by an order of the arbitral tribunal in accordance with paragraph (2) of this article.

(2) The arbitral tribunal shall issue an order for the termination of the arbitral proceedings when:

- (a) the claimant withdraws his claim, unless the respondent objects thereto and the arbitral tribunal recognizes a legitimate interest on his part in obtaining a final settlement of the dispute;
- (b) the parties agree on the termination of the proceedings;
- (c) the arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.

(3) The mandate of the arbitral tribunal terminates with the termination of the arbitral proceedings, subject to the provisions of articles 33 and 34(4).

Article 33. Correction and interpretation of award; additional award

(1) Within thirty days of receipt of the award, unless another period of time has been agreed upon by the parties:

- (a) a party, with notice to the other party, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature;
- (b) if so agreed by the parties, a party, with notice to the other party, may request the arbitral tribunal to give an interpretation of a specific point or part of the award.

If the arbitral tribunal considers the request to be justified, it shall make the correction or give the interpretation within thirty days of receipt of the request. The interpretation shall form part of the award.

(2) The arbitral tribunal may correct any error of the type referred to in paragraph (1)(a) of this article on its own initiative within thirty days of the date of the award.

(3) Unless otherwise agreed by the parties, a party, with notice to the other party, may request, within thirty days of receipt of the award, the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. If the arbitral tribunal considers the request to be justified, it shall make the additional award within sixty days.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation or an additional award under paragraph (1) or (3) of this article.

(5) The provisions of article 31 shall apply to a correction or interpretation of the award or to an additional award.

CHAPTER VII.
RECOURSE AGAINST AWARD

Article 34. Application for setting aside as exclusive recourse against arbitral award

(1) Recourse to a court against an arbitral award may be made only by an application for setting aside in accordance with paragraphs (2) and (3) of this article.

(2) An arbitral award may be set aside by the court specified in article 6 only if:

- (a) the party making the application furnishes proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of this State; or
 - (ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration may be set aside; or

- (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Law from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Law; or
- (b) the court finds that:
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the award is in conflict with the public policy of this State.
- (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the award or, if a request had been made under article 33, from the date on which that request had been disposed of by the arbitral tribunal.
- (4) The court, when asked to set aside an award, may, where appropriate and so requested by a party, suspend the setting aside proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

CHAPTER VIII. RECOGNITION AND ENFORCEMENT OF AWARDS

Article 35. Recognition and enforcement

- (1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.
- (2) The party relying on an award or applying for its enforcement shall supply the original award or a copy thereof. If the award is not made in an official language of this State, the court may request the party to supply a translation thereof into such language.

Article 36. Grounds for refusing recognition or enforcement

- (1) Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only:
 - (a) at the request of the party against whom it is invoked, if that party furnishes to the competent court where recognition or enforcement is sought proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
 - (ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
 - (v) the award has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, that award was made; or
 - (b) if the court finds that:
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the recognition or enforcement of the award would be contrary to the public policy of this State.
- (2) If an application for setting aside or suspension of an award has been made to a court referred to in paragraph (1)(a)(v) of this article, the court where recognition or enforcement is sought may, if it considers it proper, adjourn its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the other party to provide appropriate security.

SCHEDULE 6
INTERNATIONAL ELECTRONIC COMMUNICATIONS CONVENTION ACT, 2017

CONTENTS

INTERPRETATION

1. Definition
2. Aid to interpretation

THE CONVENTION

3. Application of Convention
4. Crown bound

COMMENCEMENT AND SHORT TITLE

5. Commencement
 6. Short title
- Schedule 1 United Nations Convention on the Use of Electronic Communications in International Contracts

INTERPRETATION

Definition

1 In this Act,

“declaration” means a declaration made by Canada under the Convention with respect to Ontario.

Aid to interpretation

2 For the purpose of interpreting the Convention, recourse may be had to the Explanatory Note on the United Nations Convention on the Use of Electronic Communications in International Contracts published by the United Nations Commission on International Commercial Law in January 2007.

THE CONVENTION

Application of Convention

3 Subject to any declaration that is in force, the United Nations Convention on the Use of Electronic Communications in International Contracts set out in Schedule 1 has force of law in Ontario on and after the day it enters into force in accordance with Articles 18 and 23 of the Convention.

Crown bound

4 This Act binds the Crown.

COMMENCEMENT AND SHORT TITLE

Commencement

5 The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *International Electronic Communications Convention Act, 2017*.

SCHEDULE 1

UNITED NATIONS CONVENTION ON THE USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS

The States Parties to this Convention,

Reaffirming their belief that international trade on the basis of equality and mutual benefit is an important element in promoting friendly relations among States,

Noting that the increased use of electronic communications improves the efficiency of commercial activities, enhances trade connections and allows new access opportunities for previously remote parties and markets, thus playing a fundamental role in promoting trade and economic development, both domestically and internationally,

Considering that problems created by uncertainty as to the legal value of the use of electronic communications in international contracts constitute an obstacle to international trade,

Convinced that the adoption of uniform rules to remove obstacles to the use of electronic communications in international contracts, including obstacles that might result from the operation of existing international trade law instruments, would

enhance legal certainty and commercial predictability for international contracts and help States gain access to modern trade routes,

Being of the opinion that uniform rules should respect the freedom of parties to choose appropriate media and technologies, taking account of the principles of technological neutrality and functional equivalence, to the extent that the means chosen by the parties comply with the purpose of the relevant rules of law,

Desiring to provide a common solution to remove legal obstacles to the use of electronic communications in a manner acceptable to States with different legal, social and economic systems,

Have agreed as follows:

CHAPTER I. SPHERE OF APPLICATION

Article 1. Scope of application

1 This Convention applies to the use of electronic communications in connection with the formation or performance of a contract between parties whose places of business are in different States.

2 The fact that the parties have their places of business in different States is to be disregarded whenever this fact does not appear either from the contract or from any dealings between the parties or from information disclosed by the parties at any time before or at the conclusion of the contract.

3 Neither the nationality of the parties nor the civil or commercial character of the parties or of the contract is to be taken into consideration in determining the application of this Convention.

Article 2. Exclusions

1 This Convention does not apply to electronic communications relating to any of the following:

- (a) Contracts concluded for personal, family or household purposes;
- (b) (i) Transactions on a regulated exchange; (ii) foreign exchange transactions; (iii) inter-bank payment systems, inter-bank payment agreements or clearance and settlement systems relating to securities or other financial assets or instruments; (iv) the transfer of security rights in sale, loan or holding of or agreement to repurchase securities or other financial assets or instruments held with an intermediary.

2 This Convention does not apply to bills of exchange, promissory notes, consignment notes, bills of lading, warehouse receipts or any transferable document or instrument that entitles the bearer or beneficiary to claim the delivery of goods or the payment of a sum of money.

Article 3. Party autonomy

The parties may exclude the application of this Convention or derogate from or vary the effect of any of its provisions.

CHAPTER II. GENERAL PROVISIONS

Article 4. Definitions

For the purposes of this Convention:

- (a) "Communication" means any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer, that the parties are required to make or choose to make in connection with the formation or performance of a contract;
- (b) "Electronic communication" means any communication that the parties make by means of data messages;
- (c) "Data message" means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex or telecopy;
- (d) "Originator" of an electronic communication means a party by whom, or on whose behalf, the electronic communication has been sent or generated prior to storage, if any, but it does not include a party acting as an intermediary with respect to that electronic communication;
- (e) "Addressee" of an electronic communication means a party who is intended by the originator to receive the electronic communication, but does not include a party acting as an intermediary with respect to that electronic communication;
- (f) "Information system" means a system for generating, sending, receiving, storing or otherwise processing data messages;

- (g) “Automated message system” means a computer program or an electronic or other automated means used to initiate an action or respond to data messages or performances in whole or in part, without review or intervention by a natural person each time an action is initiated or a response is generated by the system;
- (h) “Place of business” means any place where a party maintains a non-transitory establishment to pursue an economic activity other than the temporary provision of goods or services out of a specific location.

Article 5. Interpretation

- 1 In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in international trade.
- 2 Questions concerning matters governed by this Convention which are not expressly settled in it are to be settled in conformity with the general principles on which it is based or, in the absence of such principles, in conformity with the law applicable by virtue of the rules of private international law.

Article 6. Location of the parties

- 1 For the purposes of this Convention, a party’s place of business is presumed to be the location indicated by that party, unless another party demonstrates that the party making the indication does not have a place of business at that location.
- 2 If a party has not indicated a place of business and has more than one place of business, then the place of business for the purposes of this Convention is that which has the closest relationship to the relevant contract, having regard to the circumstances known to or contemplated by the parties at any time before or at the conclusion of the contract.
- 3 If a natural person does not have a place of business, reference is to be made to the person’s habitual residence.
- 4 A location is not a place of business merely because that is: (a) where equipment and technology supporting an information system used by a party in connection with the formation of a contract are located; or (b) where the information system may be accessed by other parties.
- 5 The sole fact that a party makes use of a domain name or electronic mail address connected to a specific country does not create a presumption that its place of business is located in that country.

Article 7. Information requirements

Nothing in this Convention affects the application of any rule of law that may require the parties to disclose their identities, places of business or other information, or relieves a party from the legal consequences of making inaccurate, incomplete or false statements in that regard.

CHAPTER III. USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS

Article 8. Legal recognition of electronic communications

- 1 A communication or a contract shall not be denied validity or enforceability on the sole ground that it is in the form of an electronic communication.
- 2 Nothing in this Convention requires a party to use or accept electronic communications, but a party’s agreement to do so may be inferred from the party’s conduct.

Article 9. Form requirements

- 1 Nothing in this Convention requires a communication or a contract to be made or evidenced in any particular form.
- 2 Where the law requires that a communication or a contract should be in writing, or provides consequences for the absence of a writing, that requirement is met by an electronic communication if the information contained therein is accessible so as to be usable for subsequent reference.
- 3 Where the law requires that a communication or a contract should be signed by a party, or provides consequences for the absence of a signature, that requirement is met in relation to an electronic communication if:
 - (a) A method is used to identify the party and to indicate that party’s intention in respect of the information contained in the electronic communication; and
 - (b) The method used is either:
 - (i) As reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement; or
 - (ii) Proven in fact to have fulfilled the functions described in subparagraph (a) above, by itself or together with further evidence.

4 Where the law requires that a communication or a contract should be made available or retained in its original form, or provides consequences for the absence of an original, that requirement is met in relation to an electronic communication if:

- (a) There exists a reliable assurance as to the integrity of the information it contains from the time when it was first generated in its final form, as an electronic communication or otherwise; and
- (b) Where it is required that the information it contains be made available, that information is capable of being displayed to the person to whom it is to be made available.

5 For the purposes of paragraph 4 (a):

- (a) The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display; and
- (b) The standard of reliability required shall be assessed in the light of the purpose for which the information was generated and in the light of all the relevant circumstances.

Article 10. Time and place of dispatch and receipt of electronic communications

1 The time of dispatch of an electronic communication is the time when it leaves an information system under the control of the originator or of the party who sent it on behalf of the originator or, if the electronic communication has not left an information system under the control of the originator or of the party who sent it on behalf of the originator, the time when the electronic communication is received.

2 The time of receipt of an electronic communication is the time when it becomes capable of being retrieved by the addressee at an electronic address designated by the addressee. The time of receipt of an electronic communication at another electronic address of the addressee is the time when it becomes capable of being retrieved by the addressee at that address and the addressee becomes aware that the electronic communication has been sent to that address. An electronic communication is presumed to be capable of being retrieved by the addressee when it reaches the addressee's electronic address.

3 An electronic communication is deemed to be dispatched at the place where the originator has its place of business and is deemed to be received at the place where the addressee has its place of business, as determined in accordance with article 6.

4 Paragraph 2 of this article applies notwithstanding that the place where the information system supporting an electronic address is located may be different from the place where the electronic communication is deemed to be received under paragraph 3 of this article.

Article 11. Invitations to make offers

A proposal to conclude a contract made through one or more electronic communications which is not addressed to one or more specific parties, but is generally accessible to parties making use of information systems, including proposals that make use of interactive applications for the placement of orders through such information systems, is to be considered as an invitation to make offers, unless it clearly indicates the intention of the party making the proposal to be bound in case of acceptance.

Article 12. Use of automated message systems for contract formation

A contract formed by the interaction of an automated message system and a natural person, or by the interaction of automated message systems, shall not be denied validity or enforceability on the sole ground that no natural person reviewed or intervened in each of the individual actions carried out by the automated message systems or the resulting contract.

Article 13. Availability of contract terms

Nothing in this Convention affects the application of any rule of law that may require a party that negotiates some or all of the terms of a contract through the exchange of electronic communications to make available to the other party those electronic communications which contain the contractual terms in a particular manner, or relieves a party from the legal consequences of its failure to do so.

Article 14. Error in electronic communications

1 Where a natural person makes an input error in an electronic communication exchanged with the automated message system of another party and the automated message system does not provide the person with an opportunity to correct the error, that person, or the party on whose behalf that person was acting, has the right to withdraw the portion of the electronic communication in which the input error was made if:

- (a) The person, or the party on whose behalf that person was acting, notifies the other party of the error as soon as possible after having learned of the error and indicates that he or she made an error in the electronic communication; and

- (b) The person, or the party on whose behalf that person was acting, has not used or received any material benefit or value from the goods or services, if any, received from the other party.

2 Nothing in this article affects the application of any rule of law that may govern the consequences of any error other than as provided for in paragraph 1.

CHAPTER IV. FINAL PROVISIONS

Article 15. Depositary

The Secretary-General of the United Nations is hereby designated as the depositary for this Convention.

Article 16. Signature, ratification, acceptance or approval

1 This Convention is open for signature by all States at United Nations Headquarters in New York from 16 January 2006 to 16 January 2008.

2 This Convention is subject to ratification, acceptance or approval by the signatory States.

3 This Convention is open for accession by all States that are not signatory States as from the date it is open for signature.

4 Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary-General of the United Nations.

Article 17. Participation by regional economic integration organizations

1 A regional economic integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a Contracting State, to the extent that that organization has competence over matters governed by this Convention.

Where the number of Contracting States is relevant in this Convention, the regional economic integration organization shall not count as a Contracting State in addition to its member States that are Contracting States.

2 The regional economic integration organization shall, at the time of signature, ratification, acceptance, approval or accession, make a declaration to the depositary specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

3 Any reference to a "Contracting State" or "Contracting States" in this Convention applies equally to a regional economic integration organization where the context so requires.

4 This Convention shall not prevail over any conflicting rules of any regional economic integration organization as applicable to parties whose respective places of business are located in States members of any such organization, as set out by declaration made in accordance with article 21.

Article 18. Effect in domestic territorial units

1 If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2 These declarations are to be notified to the depositary and are to state expressly the territorial units to which the Convention extends.

3 If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party is located in that State, this place of business, for the purposes of this Convention, is considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

4 If a Contracting State makes no declaration under paragraph 1 of this article, the Convention is to extend to all territorial units of that State.

Article 19. Declarations on the scope of application

1 Any Contracting State may declare, in accordance with article 21, that it will apply this Convention only:

- (a) When the States referred to in article 1, paragraph 1, are Contracting States to this Convention; or
- (b) When the parties have agreed that it applies.

2 Any Contracting State may exclude from the scope of application of this Convention the matters it specifies in a declaration made in accordance with article 21.

Article 20. Communications exchanged under other international conventions

1 The provisions of this Convention apply to the use of electronic communications in connection with the formation or performance of a contract to which any of the following international conventions, to which a Contracting State to this Convention is or may become a Contracting State, apply:

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958);

Convention on the Limitation Period in the International Sale of Goods (New York, 14 June 1974) and Protocol thereto (Vienna, 11 April 1980);

United Nations Convention on Contracts for the International Sale of Goods (Vienna, 11 April 1980);

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 19 April 1991);

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (New York, 11 December 1995);

United Nations Convention on the Assignment of Receivables in International Trade (New York, 12 December 2001).

2 The provisions of this Convention apply further to electronic communications in connection with the formation or performance of a contract to which another international convention, treaty or agreement not specifically referred to in paragraph 1 of this article, and to which a Contracting State to this Convention is or may become a Contracting State, applies, unless the State has declared, in accordance with article 21, that it will not be bound by this paragraph.

3 A State that makes a declaration pursuant to paragraph 2 of this article may also declare that it will nevertheless apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of any contract to which a specified international convention, treaty or agreement applies to which the State is or may become a Contracting State.

4 Any State may declare that it will not apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of a contract to which any international convention, treaty or agreement specified in that State's declaration, to which the State is or may become a Contracting State, applies, including any of the conventions referred to in paragraph 1 of this article, even if such State has not excluded the application of paragraph 2 of this article by a declaration made in accordance with article 21.

Article 21. Procedure and effects of declarations

1 Declarations under article 17, paragraph 4, article 19, paragraphs 1 and 2, and article 20, paragraphs 2, 3 and 4, may be made at any time. Declarations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

2 Declarations and their confirmations are to be in writing and to be formally notified to the depositary.

3 A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary.

4 Any State that makes a declaration under this Convention may modify or withdraw it at any time by a formal notification in writing addressed to the depositary. The modification or withdrawal is to take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the depositary.

Article 22. Reservations

No reservations may be made under this Convention.

Article 23. Entry into force

1 This Convention enters into force on the first day of the month following the expiration of six months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2 When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

Article 24. Time of application

This Convention and any declaration apply only to electronic communications that are made after the date when the Convention or the declaration enters into force or takes effect in respect of each Contracting State.

Article 25. Denunciations

- 1 A Contracting State may denounce this Convention by a formal notification in writing addressed to the depositary.
- 2 The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

DONE at New York this twenty-third day of November two thousand and five, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

**SCHEDULE 7
INTERNATIONAL RECOGNITION OF TRUSTS ACT, 2017**

CONTENTS

1.	Interpretation
2.	Application of Convention
3.	Extension of Convention
4.	Crown bound
5.	Commencement
6.	Short title
Schedule 1	Convention on the Law Applicable to Trusts and on their Recognition

Interpretation

1 The word “fiducie” used in the French version of this Act has the same meaning as the word “trust” used in the French version of the Convention referred to in subsection 2 (1).

Application of Convention

2 (1) The Convention on the Law Applicable to Trusts and on their Recognition, done at The Hague on July 1, 1985 and set out in Schedule 1, has force of law in Ontario on and after the day it enters into force in accordance with Articles 29 and 30 of the Convention.

Application of Act

(2) This Act does not apply to conflicts solely between the laws of the provinces and territories of Canada.

Extension of Convention

3 (1) The Convention is extended to trusts declared by judicial decisions including constructive trusts and resulting trusts.

Interpretation, refusal to give recognition or effect

(2) Nothing in this Act is to be construed as requiring that recognition or effect be given to a trust declared by judicial decision in another state or a severable aspect of such a trust, if the Superior Court of Justice is satisfied that there is a substantial reason for refusing to give recognition or effect to the trust or aspect.

Crown bound

4 This Act binds the Crown.

Commencement

5 The Act set out in this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *International Recognition of Trusts Act, 2017*.

**SCHEDULE 1
CONVENTION ON THE LAW APPLICABLE TO TRUSTS AND ON THEIR RECOGNITION**

The States signatory to the present Convention,

Considering that the trust, as developed in courts of equity in common law jurisdictions and adopted with some modifications in other jurisdictions, is a unique legal institution,

Desiring to establish common provisions on the law applicable to trusts and to deal with the most important issues concerning the recognition of trusts,

Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions –

CHAPTER I

SCOPE

Article 1

This Convention specifies the law applicable to trusts and governs their recognition.

Article 2

For the purposes of this Convention, the term “trust” refers to the legal relationships created – *inter vivos* or on death – by a person, the settlor, when assets have been placed under the control of a trustee for the benefit of a beneficiary or for a specified purpose.

A trust has the following characteristics –

- a) the assets constitute a separate fund and are not a part of the trustee's own estate;
- b) title to the trust assets stands in the name of the trustee or in the name of another person on behalf of the trustee;
- c) the trustee has the power and the duty, in respect of which he is accountable, to manage, employ or dispose of the assets in accordance with the terms of the trust and the special duties imposed upon him by law.

The reservation by the settlor of certain rights and powers, and the fact that the trustee may himself have rights as a beneficiary, are not necessarily inconsistent with the existence of a trust.

Article 3

The Convention applies only to trusts created voluntarily and evidenced in writing.

Article 4

The Convention does not apply to preliminary issues relating to the validity of wills or of other acts by virtue of which assets are transferred to the trustee.

Article 5

The Convention does not apply to the extent that the law specified by Chapter II does not provide for trusts or the category of trusts involved.

CHAPTER II APPLICABLE LAW

Article 6

A trust shall be governed by the law chosen by the settlor. The choice must be express or be implied in the terms of the instrument creating or the writing evidencing the trust, interpreted, if necessary, in the light of the circumstances of the case.

Where the law chosen under the previous paragraph does not provide for trusts or the category of trust involved, the choice shall not be effective and the law specified in Article 7 shall apply.

Article 7

Where no applicable law has been chosen, a trust shall be governed by the law with which it is most closely connected.

In ascertaining the law with which a trust is most closely connected reference shall be made in particular to –

- a) the place of administration of the trust designated by the settlor;
- b) the situs of the assets of the trust;
- c) the place of residence or business of the trustee;
- d) the objects of the trust and the places where they are to be fulfilled.

Article 8

The law specified by Article 6 or 7 shall govern the validity of the trust, its construction, its effects, and the administration of the trust.

In particular that law shall govern –

- a) the appointment, resignation and removal of trustees, the capacity to act as a trustee, and the devolution of the office of trustee;
- b) the rights and duties of trustees among themselves;
- c) the right of trustees to delegate in whole or in part the discharge of their duties or the exercise of their powers;
- d) the power of trustees to administer or to dispose of trust assets, to create security interests in the trust assets, or to acquire new assets;
- e) the powers of investment of trustees;
- f) restrictions upon the duration of the trust, and upon the power to accumulate the income of the trust;
- g) the relationships between the trustees and the beneficiaries including the personal liability of the trustees to the beneficiaries;
- h) the variation or termination of the trust;

- i) the distribution of the trust assets;
- j) the duty of trustees to account for their administration.

Article 9

In applying this Chapter a severable aspect of the trust, particularly matters of administration, may be governed by a different law.

Article 10

The law applicable to the validity of the trust shall determine whether that law or the law governing a severable aspect of the trust may be replaced by another law.

CHAPTER III RECOGNITION

Article 11

A trust created in accordance with the law specified by the preceding Chapter shall be recognised as a trust.

Such recognition shall imply, as a minimum, that the trust property constitutes a separate fund, that the trustee may sue and be sued in his capacity as trustee, and that he may appear or act in this capacity before a notary or any person acting in an official capacity.

In so far as the law applicable to the trust requires or provides, such recognition shall imply, in particular –

- a) that personal creditors of the trustee shall have no recourse against the trust assets;
- b) that the trust assets shall not form part of the trustee's estate upon his insolvency or bankruptcy;
- c) that the trust assets shall not form part of the matrimonial property of the trustee or his spouse nor part of the trustee's estate upon his death;
- d) that the trust assets may be recovered when the trustee, in breach of trust, has mingled trust assets with his own property or has alienated trust assets. However, the rights and obligations of any third party holder of the assets shall remain subject to the law determined by the choice of law rules of the forum.

Article 12

Where the trustee desires to register assets, movable or immovable, or documents of title to them, he shall be entitled, in so far as this is not prohibited by or inconsistent with the law of the State where registration is sought, to do so in his capacity as trustee or in such other way that the existence of the trust is disclosed.

Article 13

No State shall be bound to recognise a trust the significant elements of which, except for the choice of the applicable law, the place of administration and the habitual residence of the trustee, are more closely connected with States which do not have the institution of the trust or the category of trust involved.

Article 14

The Convention shall not prevent the application of rules of law more favourable to the recognition of trusts.

CHAPTER IV GENERAL CLAUSES

Article 15

The Convention does not prevent the application of provisions of the law designated by the conflicts rules of the forum, in so far as those provisions cannot be derogated from by voluntary act, relating in particular to the following matters –

- a) the protection of minors and incapable parties;
- b) the personal and proprietary effects of marriage;
- c) succession rights, testate and intestate, especially the indefeasible shares of spouses and relatives;
- d) the transfer of title to property and security interests in property;
- e) the protection of creditors in matters of insolvency;
- f) the protection, in other respects, of third parties acting in good faith.

If recognition of a trust is prevented by application of the preceding paragraph, the court shall try to give effect to the objects of the trust by other means.

Article 16

The Convention does not prevent the application of those provisions of the law of the forum which must be applied even to international situations, irrespective of rules of conflict of laws.

If another State has a sufficiently close connection with a case then, in exceptional circumstances, effect may also be given to rules of that State which have the same character as mentioned in the preceding paragraph.

Any Contracting State may, by way of reservation, declare that it will not apply the second paragraph of this Article.

Article 17

In the Convention the word “law” means the rules of law in force in a State other than its rules of conflict of laws.

Article 18

The provisions of the Convention may be disregarded when their application would be manifestly incompatible with public policy (*ordre public*).

Article 19

Nothing in the Convention shall prejudice the powers of States in fiscal matters.

Article 20

Any Contracting State may, at any time, declare that the provisions of the Convention will be extended to trusts declared by judicial decisions.

This declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and will come into effect on the day when this notification is received.

Article 31 is applicable to the withdrawal of this declaration in the same way as it applies to a denunciation of the Convention.

Article 21

Any Contracting State may reserve the right to apply the provisions of Chapter III only to trusts the validity of which is governed by the law of a Contracting State.

Article 22

The Convention applies to trusts regardless of the date on which they were created.

However, a Contracting State may reserve the right not to apply the Convention to trusts created before the date on which, in relation to that State, the Convention enters into force.

Article 23

For the purpose of identifying the law applicable under the Convention, where a State comprises several territorial units each of which has its own rules of law in respect of trusts, any reference to the law of that State is to be construed as referring to the law in force in the territorial unit in question.

Article 24

A State within which different territorial units have their own rules of law in respect of trusts is not bound to apply the Convention to conflicts solely between the laws of such units.

Article 25

The Convention shall not affect any other international instrument containing provisions on matters governed by this Convention to which a Contracting State is, or becomes, a Party.

CHAPTER V FINAL CLAUSES

Article 26

Any State may, at the time of signature, ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 29, make the reservations provided for in Articles 16, 21 and 22.

No other reservation shall be permitted.

Any Contracting State may at any time withdraw a reservation which it has made; the reservation shall cease to have effect on the first day of the third calendar month after notification of the withdrawal.

Article 27

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fifteenth Session.

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 28

Any other State may accede to the Convention after it has entered into force in accordance with Article 30, paragraph 1.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the twelve months after the receipt of the notification referred to in Article 32. Such an objection may also be raised by Member States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 29

If a State has two or more territorial units in which different systems of law are applicable, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all of its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

If a State makes no declaration under this Article, the Convention is to extend to all territorial units of that State.

Article 30

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 27.

Thereafter the Convention shall enter into force –

- a) for each State ratifying, accepting or approving it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance or approval;
- b) for each acceding State, on the first day of the third calendar month after the expiry of the period referred to in Article 28;
- c) for a territorial unit to which the Convention has been extended in conformity with Article 29, on the first day of the third calendar month after the notification referred to in that Article.

Article 31

Any Contracting State may denounce this Convention by a formal notification in writing addressed to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

The denunciation takes effect on the first day of the month following the expiration of six months after the notification is received by the depositary or on such later date as is specified in the notification.

Article 32

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications, acceptances or approvals referred to in Article 27;
- b) the date on which the Convention enters into force in accordance with Article 30;
- c) the accessions and the objections raised to accessions referred to in Article 28;
- d) the extensions referred to in Article 29;
- e) the declarations referred to in Article 29;
- f) the reservation or withdrawals referred to in Article 26;

g) the denunciations referred to in Article 31.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the first day of July, 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fifteenth Session.

SCHEDULE 8 INTERNATIONAL SALE OF GOODS ACT AMENDMENTS

International Sale of Goods Act

1 The title of the *International Sale of Goods Act* is repealed and the following substituted:

International Sales Conventions Act

2 Sections 1 to 6 of the Act are repealed and the following substituted:

Definitions and interpretation

Definitions

1 (1) In this Act,

“Amended Limitation Convention” means the Convention referred to in subsection 3 (3); (“Convention modifiée sur la prescription”)

“Limitation Convention” means the Convention referred to in subsection 3 (2); (“Convention sur la prescription”)

“Protocol” means the Protocol amending the Convention on the Limitation Period in the International Sale of Goods that was opened for signature at Vienna on April 11, 1980, set out in Schedule 4. (“Protocole”)

Interpretation

(2) All words and expressions used in this Act have the same meaning as the corresponding words and expressions used in the Conventions set out in Schedules 1 to 3.

Inconsistency

2 In the event of any inconsistency between this Act and any other law, this Act prevails to the extent of the inconsistency.

Application of Conventions

Sales Convention

3 (1) The United Nations Convention on Contracts for the International Sale of Goods that was opened for signature at Vienna on April 11, 1980, set out in Schedule 1, has force of law in Ontario.

Limitation Convention

(2) The Convention on the Limitation Period in the International Sale of Goods that was opened for signature at New York on June 14, 1974, set out in Schedule 2, has force of law in Ontario on and after the day it enters into force in accordance with Article 44 of the Convention.

Amended Limitation Convention

(3) The Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol, prepared in accordance with Article XIV of the Protocol and set out in Schedule 3, has force of law in Ontario on and after the day it enters into force in accordance with Article 44 of the Convention.

Which Convention applies re limitation periods

4 (1) The Amended Limitation Convention applies in respect of any State that is a Contracting Party to that Convention.

Same

(2) The Limitation Convention applies in respect of any State that is a Contracting Party to that Convention and is not a Contracting Party to the Amended Limitation Convention.

Use of extrinsic materials in interpreting Conventions re limitation periods

5 In interpreting the Amended Limitation Convention and the Limitation Convention, recourse may be had to,

- (a) the Report of the United Nations Commission on International Trade Law on the work of its 5th session (1972), UN GAOR, 27th Session, Supp. No. 17, UN Doc. A/8717; and
- (b) the Commentary on the Convention on the Limitation Period in the International Sale of Goods, UN Doc. A/CONF. 63/17.

Non-application of Convention by parties

6 The parties to a contract may,

- (a) exclude the application of a Convention set out in Schedule 1, 2 or 3 by expressly providing in the contract that the Convention does not apply to the contract; or

- (b) otherwise exclude the application of a Convention set out in Schedule 1, 2 or 3, or derogate from or vary the effect of any of the Convention's provisions, in accordance with the terms of the Convention.

3 The heading to the Schedule to the Act is amended by adding "1" after "Schedule".

4 The Act is amended by adding the following Schedules:

SCHEDULE 2
CONVENTION ON THE LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS
PREAMBLE

The States Parties to the present Convention,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Have agreed as follows:

PART I. SUBSTANTIVE PROVISIONS

SPHERE OF APPLICATION

Article 1

1 This Convention shall determine when claims of a buyer and a seller against each other arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of time. Such period of time is hereinafter referred to as "the limitation period".

2 This Convention shall not affect a particular time-limit within which one party is required, as a condition for the acquisition or exercise of his claim, to give notice to the other party or perform any act other than the institution of legal proceedings.

3 In this Convention:

- (a) "buyer", "seller" and "party" mean persons who buy or sell, or agree to buy or sell, goods, and the successors to and assigns of their rights or obligations under the contract of sale;
- (b) "creditor" means a party who asserts a claim, whether or not such a claim is for a sum of money;
- (c) "debtor" means a party against whom a creditor asserts a claim;
- (d) "breach of contract" means the failure of a party to perform the contract or any performance not in conformity with the contract;
- (e) "legal proceedings" includes judicial, arbitral and administrative proceedings;
- (f) "person" includes corporation, company, partnership, association or entity, whether private or public, which can sue or be sued;
- (g) "writing" includes telegram and telex;
- (h) "year" means a year according to the Gregorian calendar.

Article 2

For the purposes of this Convention:

- (a) a contract of sale of goods shall be considered international if, at the time of the conclusion of the contract, the buyer and the seller have their places of business in different States;
- (b) the fact that the parties have their places of business in different States shall be disregarded whenever this fact does not appear either from the contract or from any dealings between, or from information disclosed by, the parties at any time before or at the conclusion of the contract;
- (c) where a party to a contract of sale of goods has places of business in more than one State, the place of business shall be that which has the closest relationship to the contract and its performance, having regard to the circumstances known to or contemplated by the parties at the time of the conclusion of the contract;
- (d) where a party does not have a place of business, reference shall be made to his habitual residence;
- (e) neither the nationality of the parties nor the civil or commercial character of the parties or of the contract shall be taken into consideration.

Article 3

1 This Convention shall apply only if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States.

2 Unless this Convention provides otherwise, it shall apply irrespective of the law which would otherwise be applicable by virtue of the rules of private international law.

3 This Convention shall not apply when the parties have expressly excluded its application.

Article 4

This Convention shall not apply to sales:

- (a) of goods bought for personal, family or household use;
- (b) by auction;
- (c) on execution or otherwise by authority of law;
- (d) of stocks, shares, investment securities, negotiable instruments or money;
- (e) of ships, vessels, or aircraft;
- (f) of electricity.

Article 5

This Convention shall not apply to claims based upon:

- (a) death of, or personal injury to, any person;
- (b) nuclear damage caused by the goods sold;
- (c) a lien, mortgage or other security interest in property;
- (d) a judgement or award made in legal proceedings;
- (e) a document on which direct enforcement or execution can be obtained in accordance with the law of the place where such enforcement or execution is sought;
- (f) a bill of exchange, cheque or promissory note.

Article 6

1 This Convention shall not apply to contracts in which the preponderant part of the obligations of the seller consists in the supply of labour or other services.

2 Contracts for the supply of goods to be manufactured or produced shall be considered to be sales, unless the party who orders the goods undertakes to supply a substantial part of the materials necessary for such manufacture or production.

Article 7

In the interpretation and application of the provisions of this Convention, regard shall be had to its international character and to the need to promote uniformity.

THE DURATION AND COMMENCEMENT OF THE LIMITATION PERIOD

Article 8

The limitation period shall be four years.

Article 9

1 Subject to the provisions of articles 10, 11 and 12 the limitation period shall commence on the date on which the claim accrues.

2 The commencement of the limitation period shall not be postponed by:

- (a) a requirement that the party be given a notice as described in paragraph 2 of article 1, or
- (b) a provision in an arbitration agreement that no right shall arise until an arbitration award has been made.

Article 10

1 A claim arising from a breach of contract shall accrue on the date on which such breach occurs.

2 A claim arising from a defect or other lack of conformity shall accrue on the date on which the goods are actually handed over to, or their tender is refused by, the buyer.

3 A claim based on fraud committed before or at the time of the conclusion of the contract or during its performance shall accrue on the date on which the fraud was or reasonably could have been discovered.

Article 11

If the seller has given an express undertaking relating to the goods which is stated to have effect for a certain period of time, whether expressed in terms of a specific period of time or otherwise, the limitation period in respect of any claim arising from the undertaking shall commence on the date on which the buyer notifies the seller of the fact on which the claim is based, but not later than on the date of the expiration of the period of the undertaking.

Article 12

1 If, in circumstances provided for by the law applicable to the contract, one party is entitled to declare the contract terminated before the time for performance is due, and exercises this right, the limitation period in respect of a claim based on any such circumstances shall commence on the date on which the declaration is made to the other party. If the contract is not declared to be terminated before performance becomes due, the limitation period shall commence on the date on which performance is due.

2 The limitation period in respect of a claim arising out of a breach by one party of a contract for the delivery of or payment for goods by instalments shall, in relation to each separate instalment, commence on the date on which the particular breach occurs. If, under the law applicable to the contract, one party is entitled to declare the contract terminated by reason of such breach, and exercises this right, the limitation period in respect of all relevant instalments shall commence on the date on which the declaration is made to the other party.

CESSATION AND EXTENSION OF THE LIMITATION PERIOD

Article 13

The limitation period shall cease to run when the creditor performs any act which, under the law of the court where the proceedings are instituted, is recognized as commencing judicial proceedings against the debtor or as asserting his claim in such proceedings already instituted against the debtor, for the purpose of obtaining satisfaction or recognition of his claim.

Article 14

1 Where the parties have agreed to submit to arbitration, the limitation period shall cease to run when either party commences arbitral proceedings in the manner provided for in the arbitration agreement or by the law applicable to such proceedings.

2 In the absence of any such provision, arbitral proceedings shall be deemed to commence on the date on which a request that the claim in dispute be referred to arbitration is delivered at the habitual residence or place of business of the other party or, if he has no such residence or place of business, then at his last known residence or place of business.

Article 15

In any legal proceedings other than those mentioned in articles 13 and 14, including legal proceedings commenced upon the occurrence of:

- (a) the death or incapacity of the debtor,
- (b) the bankruptcy or any state of insolvency affecting the whole of the property of the debtor, or
- (c) the dissolution or liquidation of a corporation, company, partnership, association or entity when it is the debtor,

the limitation period shall cease to run when the creditor asserts his claim in such proceedings for the purpose of obtaining satisfaction or recognition of the claim, subject to the law governing the proceedings.

Article 16

For the purposes of articles 13, 14 and 15, any act performed by way of counterclaim shall be deemed to have been performed on the same date as the act performed in relation to the claim against which the counterclaim is raised, provided that both the claim and the counterclaim relate to the same contract or to several contracts concluded in the course of the same transaction.

Article 17

1 Where a claim has been asserted in legal proceedings within the limitation period in accordance with article 13, 14, 15 or 16, but such legal proceedings have ended without a decision binding on the merits of the claim, the limitation period shall be deemed to have continued to run.

2 If, at the time such legal proceedings ended, the limitation period has expired or has less than one year to run, the creditor shall be entitled to a period of one year from the date on which the legal proceedings ended.

Article 18

1 Where legal proceedings have been commenced against one debtor, the limitation period prescribed in this Convention shall cease to run against any other party jointly and severally liable with the debtor, provided that the creditor informs such party in writing within that period that the proceedings have been commenced.

2 Where legal proceedings have been commenced by a subpurchaser against the buyer, the limitation period prescribed in this Convention shall cease to run in relation to the buyer's claim over against the seller, if the buyer informs the seller in writing within that period that the proceedings have been commenced.

3 Where the legal proceedings referred to in paragraphs 1 and 2 of this article have ended, the limitation period in respect of the claim of the creditor or the buyer against the party jointly and severally liable or against the seller shall be deemed not to have ceased running by virtue of paragraphs 1 and 2 of this article, but the creditor or the buyer shall be entitled to an additional year from the date on which the legal proceedings ended, if at that time the limitation period had expired or had less than one year to run.

Article 19

Where the creditor performs, in the State in which the debtor has his place of business and before the expiration of the limitation period, any act, other than the acts described in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence on the date prescribed by that law.

Article 20

1 Where the debtor, before the expiration of the limitation period, acknowledges in writing his obligation to the creditor, a new limitation period of four years shall commence to run from the date of such acknowledgement.

2 Payment of interest or partial performance of an obligation by the debtor shall have the same effect as an acknowledgement under paragraph (1) of this article if it can reasonably be inferred from such payment or performance that the debtor acknowledges that obligation.

Article 21

Where, as a result of a circumstance which is beyond the control of the creditor and which he could neither avoid nor overcome, the creditor has been prevented from causing the limitation period to cease to run, the limitation period shall be extended so as not to expire before the expiration of one year from the date on which the relevant circumstance ceased to exist.

MODIFICATION OF THE LIMITATION PERIOD BY THE PARTIES

Article 22

1 The limitation period cannot be modified or affected by any declaration or agreement between the parties, except in the cases provided for in paragraph (2) of this article.

2 The debtor may at any time during the running of the limitation period extend the period by a declaration in writing to the creditor. This declaration may be renewed.

3 The provisions of this article shall not affect the validity of a clause in the contract of sale which stipulates that arbitral proceedings shall be commenced within a shorter period of limitation than that prescribed by this Convention, provided that such clause is valid under the law applicable to the contract of sale.

GENERAL LIMIT OF THE LIMITATION PERIOD

Article 23

Notwithstanding the provisions of this Convention, a limitation period shall in any event expire not later than ten years from the date on which it commenced to run under articles 9, 10, 11 and 12 of this Convention.

CONSEQUENCES OF THE EXPIRATION OF THE LIMITATION PERIOD

Article 24

Expiration of the limitation period shall be taken into consideration in any legal proceedings only if invoked by a party to such proceedings.

Article 25

1 Subject to the provisions of paragraph (2) of this article and of article 24, no claim shall be recognized or enforced in any legal proceedings commenced after the expiration of the limitation period.

2 Notwithstanding the expiration of the limitation period, one party may rely on his claim as a defence or for the purpose of set-off against a claim asserted by the other party, provided that in the latter case this may only be done:

- (a) if both claims relate to the same contract or to several contracts concluded in the course of the same transaction; or
- (b) if the claims could have been set-off at any time before the expiration of the limitation period.

Article 26

Where the debtor performs his obligation after the expiration of the limitation period, he shall not on that ground be entitled in any way to claim restitution even if he did not know at the time when he performed his obligation that the limitation period had expired.

Article 27

The expiration of the limitation period with respect to a principal debt shall have the same effect with respect to an obligation to pay interest on that debt.

CALCULATION OF THE PERIOD

Article 28

1 The limitation period shall be calculated in such a way that it shall expire at the end of the day which corresponds to the date on which the period commenced to run. If there is no such corresponding date, the period shall expire at the end of the last day of the last month of the limitation period.

2 The limitation period shall be calculated by reference to the date of the place where the legal proceedings are instituted.

Article 29

Where the last day of the limitation period falls on an official holiday or other *dies non juridicus* precluding the appropriate legal action in the jurisdiction where the creditor institutes legal proceedings or asserts a claim as envisaged in article 13, 14 or 15, the limitation period shall be extended so as not to expire until the end of the first day following that official holiday or *dies non juridicus* on which such proceedings could be instituted or on which such a claim could be asserted in that jurisdiction.

INTERNATIONAL EFFECT

Article 30

The acts and circumstances referred to in articles 13 through 19 which have taken place in one Contracting State shall have effect for the purposes of this Convention in another Contracting State, provided that the creditor has taken all reasonable steps to ensure that the debtor is informed of the relevant act or circumstances as soon as possible.

PART II. IMPLEMENTATION

Article 31

1 If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2 These declarations shall be notified to the Secretary-General of the United Nations and shall state expressly the territorial units to which the Convention applies.

3 If a Contracting State described in paragraph (1) of this article makes no declaration at the time of signature, ratification or accession, the Convention shall have effect within all territorial units of that State.

Article 32

Where in this Convention reference is made to the law of a State in which different systems of law apply, such reference shall be construed to mean the law of the particular legal system concerned.

Article 33

Each Contracting State shall apply the provisions of this Convention to contracts concluded on or after the date of the entry into force of this Convention.

PART III. DECLARATIONS AND RESERVATIONS

Article 34

Two or more Contracting States may at any time declare that contracts of sale between a seller having a place of business in one of these States and a buyer having a place of business in another of these States shall not be governed by this Convention, because they apply to the matters governed by this Convention the same or closely related legal rules.

Article 35

A Contracting State may declare, at the time of the deposit of its instrument of ratification or accession, that it will not apply the provisions of this Convention to actions for annulment of the contract.

Article 36

Any State may declare, at the time of the deposit of its instrument of ratification or accession, that it shall not be compelled to apply the provisions of article 24 of this Convention.

Article 37

This Convention shall not prevail over conventions already entered into or which may be entered into and which contain provisions concerning the matters covered by this Convention, provided that the seller and buyer have their places of business in States parties to such a convention.

Article 38

1 A Contracting State which is a party to an existing convention relating to the international sale of goods may declare, at the time of the deposit of its instrument of ratification or accession, that it will apply this Convention exclusively to contracts of international sale of goods as defined in such existing convention.

2 Such declaration shall cease to be effective on the first day of the month following the expiration of twelve months after a new convention on the international sale of goods, concluded under the auspices of the United Nations, shall have entered into force.

Article 39

No reservation other than those made in accordance with articles 34, 35, 36 and 38 shall be permitted.

Article 40

1 Declarations made under this Convention shall be addressed to the Secretary-General of the United Nations and shall take effect simultaneously with the entry of this Convention into force in respect of the State concerned, except declarations made thereafter. The latter declarations shall take effect on the first day of the month following the expiration of six months after the date of their receipt by the Secretary-General of the United Nations.

2 Any State which has made a declaration under this Convention may withdraw it at any time by a notification addressed to the Secretary-General of the United Nations. Such withdrawal shall take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the Secretary-General of the United Nations. In the case of a declaration made under article 34 of this Convention, such withdrawal shall also render inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

PART IV. FINAL CLAUSES

Article 41

This Convention shall be open until 31 December 1975 for signature by all States at the Headquarters of the United Nations.

Article 42

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 43

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 44

1 This Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of the tenth instrument of ratification or accession.

2 For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, this Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification or accession.

Article 45

1 Any Contracting State may denounce this Convention by notifying the Secretary-General of the United Nations to that effect.

2 The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the Secretary-General of the United Nations.

Article 46

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

SCHEDULE 3

CONVENTION ON THE LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS AS AMENDED BY THE PROTOCOL

INTRODUCTORY NOTE

1 The Convention on the Limitation Period in the International Sale of Goods (hereinafter called the 1974 Limitation Convention) was concluded at New York on 14 June 1974. A Protocol to the 1974 Limitation Convention (hereinafter called the 1980 Protocol) was concluded at Vienna on 11 April 1980.

2 The 1974 Limitation Convention and the 1980 Protocol both entered into force on 1 August 1988, in accordance with articles 44 (1) of the 1974 Limitation Convention and IX (1) of the 1980 Protocol.

3 In accordance with article XIV (2) of the 1980 Protocol, the text of the 1974 Limitation Convention as amended by the 1980 Protocol has been prepared by the Secretary-General and will be found hereinafter.

4. The present text includes the relevant amendments to the articles of the 1974 Limitation Convention, as provided for by the 1980 Protocol. For ease of reference, the text of the original provisions of the 1974 Limitation Convention which have been amended by the 1980 Protocol are reproduced in footnotes. The present text also incorporates substantive provisions (final clauses) of the 1980 Protocol as required, including editorial additions. The relevant articles of the 1980 Protocol which have been incorporated in the present text of the 1974 Limitation Convention as amended have, for clarity, been assigned *his* numbers with the indication in parenthesis of the corresponding number of the 1980 Protocol.

PREAMBLE

The States Parties to the present Convention,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Have agreed as follows:

PART I. SUBSTANTIVE PROVISIONS

SPHERE OF APPLICATION

Article 1

1 This Convention shall determine when claims of a buyer and a seller against each other arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of time. Such a period of time is hereinafter referred to as "the limitation period".

2 This Convention shall not affect a particular time-limit within which one party is required, as a condition for the acquisition or exercise of his claim, to give notice to the other party or perform any act other than the institution of legal proceedings.

3 In this Convention:

- (a) "buyer", "seller" and "party" mean persons who buy or sell, or agree to buy or sell, goods, and the successors to and assigns of their rights or obligations under the contract of sale;
- (b) "creditor" means a party who asserts a claim, whether or not such a claim is for a sum of money;
- (c) "debtor" means a party against whom a creditor asserts a claim;

- (d) "breach of contract" means the failure of a party to perform the contract or any performance not in conformity with the contract;
- (e) "legal proceedings" includes judicial, arbitral and administrative proceedings;
- (f) "person" includes corporation, company, partnership, association or entity, whether private or public, which can sue or be sued;
- (g) "writing" includes telegram and telex;
- (h) "year" means a year according to the Gregorian calendar.

Article 2

For the purposes of this Convention:

- (a) a contract of sale of goods shall be considered international if, at the time of the conclusion of the contract, the buyer and the seller have their places of business in different States;
- (b) the fact that the parties have their places of business in different States shall be disregarded whenever this fact does not appear either from the contract or from any dealings between, or from information disclosed by, the parties at any time before or at the conclusion of the contract;
- (c) where a party to a contract of sale of goods has places of business in more than one State, the place of business shall be that which has the closest relationship to the contract and its performance, having regard to the circumstances known to or contemplated by the parties at the time of the conclusion of the contract;
- (d) where a party does not have a place of business, reference shall be made to his habitual residence;
- (e) neither the nationality of the parties nor the civil or commercial character of the parties or of the contract shall be taken into consideration.

Article 3 See footnote 1

1. This Convention shall apply only
 - (a) if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States; or
 - (b) if the rules of private international law make the law of a Contracting State applicable to the contract of sale.
2. This Convention shall not apply when the parties have expressly excluded its application.

Article 4 See footnote 2

This Convention shall not apply to sales:

- (a) of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use;
- (b) by auction;
- (c) on execution or otherwise by authority of law;
- (d) of stocks, shares, investment securities, negotiable instruments or money;
- (e) of ships, vessels, hovercraft or aircraft;
- (f) of electricity.

Article 5

This Convention shall not apply to claims based upon:

- (a) death of, or personal injury to, any person;
- (b) nuclear damage caused by the goods sold;
- (c) a lien, mortgage or other security interest in property;
- (d) a judgement or award made in legal proceedings;
- (e) a document on which direct enforcement or execution can be obtained in accordance with the law of the place where such enforcement or execution is sought;
- (f) a bill of exchange, cheque or promissory note.

Article 6

1. This Convention shall not apply to contracts in which the preponderant part of the obligations of the seller consists in the supply of labour or other services.
2. Contracts for the supply of goods to be manufactured or produced shall be considered to be sales, unless the party who orders the goods undertakes to supply a substantial part of the materials necessary for such manufacture or production.

Article 7

In the interpretation and application of the provisions of this Convention, regard shall be had to its international character and to the need to promote uniformity.

THE DURATION AND COMMENCEMENT OF THE LIMITATION PERIOD

Article 8

The limitation period shall be four years.

Article 9

1. Subject to the provisions of articles 10, 11 and 12 the limitation period shall commence on the date on which the claim accrues.
2. The commencement of the limitation period shall not be postponed by:
 - (a) a requirement that the party be given a notice as described in paragraph 2 of article 1, or
 - (b) a provision in an arbitration agreement that no right shall arise until an arbitration award has been made.

Article 10

1. A claim arising from a breach of contract shall accrue on the date on which such breach occurs.
2. A claim arising from a defect or other lack of conformity shall accrue on the date on which the goods are actually handed over to, or their tender is refused by, the buyer.
3. A claim based on fraud committed before or at the time of the conclusion of the contract or during its performance shall accrue on the date on which the fraud was or reasonably could have been discovered.

Article 11

If the seller has given an express undertaking relating to the goods which is stated to have effect for a certain period of time, whether expressed in terms of a specific period of time or otherwise, the limitation period in respect of any claim, arising from the undertaking shall commence on the date on which the buyer notifies the seller of the fact on which the claim is based, but not later than on the date of the expiration of the period of the undertaking.

Article 12

1. If, in circumstances provided for by the law applicable to the contract, one party is entitled to declare the contract terminated before the time for performance is due, and exercises this right, the limitation period in respect of a claim based on any such circumstances shall commence on the date on which the declaration is made to the other party. If the contract is not declared to be terminated before performance becomes due, the limitation period shall commence on the date on which performance is due.
2. The limitation period in respect of a claim arising out of a breach by one party of a contract for the delivery of or payment for goods by instalments shall, in relation to each separate instalment, commence on the date on which the particular breach occurs. If, under the law applicable to the contract, one party is entitled to declare the contract terminated by reason of such breach, and exercises this right, the limitation period in respect of all relevant instalments shall commence on the date on which the declaration is made to the other party.

CESSATION AND EXTENSION OF THE LIMITATION PERIOD

Article 13

The limitation period shall cease to run when the creditor performs any act which, under the law of the court where the proceedings are instituted, is recognized as commencing judicial proceedings against the debtor or as asserting his claim in such proceedings already instituted against the debtor, for the purpose of obtaining satisfaction or recognition of his claim.

Article 14

1. Where the parties have agreed to submit to arbitration, the limitation period shall cease to run when either party commences arbitral proceedings in the manner provided for in the arbitration agreement or by the law applicable to such proceedings.

2. In the absence of any such provision, arbitral proceedings shall be deemed to commence on the date on which a request that the claim in dispute be referred to arbitration is delivered at the habitual residence or place of business of the other party or, if he has no such residence or place of business, then at his last known residence or place of business.

Article 15

In any legal proceedings other than those mentioned in articles 13 and 14, including legal proceedings commenced upon the occurrence of:

- (a) the death or incapacity of the debtor,
- (b) the bankruptcy or any state of insolvency affecting the whole of the property of the debtor, or
- (c) the dissolution or liquidation of a corporation, company, partnership, association or entity when it is the debtor,

the limitation period shall cease to run when the creditor asserts his claim in such proceedings for the purpose of obtaining satisfaction or recognition of the claim, subject to the law governing the proceedings.

Article 16

For the purposes of articles 13, 14 and 15, any act performed by way of counterclaim shall be deemed to have been performed on the same date as the act performed in relation to the claim against which the counterclaim is raised, provided that both the claim and the counterclaim relate to the same contract or to several contracts concluded in the course of the same transaction.

Article 17

1. Where a claim has been asserted in legal proceedings within the limitation period in accordance with article 13, 14, 15 or 16, but such legal proceedings have ended without a decision binding on the merits of the claim, the limitation period shall be deemed to have continued to run.

2. If, at the time such legal proceedings ended, the limitation period has expired or has less than one year to run, the creditor shall be entitled to a period of one year from the date on which the legal proceedings ended.

Article 18

1. Where legal proceedings have been commenced against one debtor, the limitation period prescribed in this Convention shall cease to run against any other party jointly and severally liable with the debtor, provided that the creditor informs such party in writing within that period that the proceedings have been commenced.

2. Where legal proceedings have been commenced by a subpurchaser against the buyer, the limitation period prescribed in this Convention shall cease to run in relation to the buyer's claim over against the seller, if the buyer informs the seller in writing within that period that the proceedings have been commenced.

3. Where the legal proceedings referred to in paragraphs 1 and 2 of this article have ended, the limitation period in respect of the claim of the creditor or the buyer against the party jointly and severally liable or against the seller shall be deemed not to have ceased running by virtue of paragraphs 1 and 2 of this article, but the creditor or the buyer shall be entitled to an additional year from the date on which the legal proceedings ended, if at that time the limitation period had expired or had less than one year to run.

Article 19

Where the creditor performs, in the State in which the debtor has his place of business and before the expiration of the limitation period, any act, other than the acts described in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence on the date prescribed by that law.

Article 20

1. Where the debtor, before the expiration of the limitation period, acknowledges in writing his obligation to the creditor, a new limitation period of four years shall commence to run from the date of such acknowledgement.

2. Payment of interest or partial performance of an obligation by the debtor shall have the same effect as an acknowledgement under paragraph 1 of this article if it can reasonably be inferred from such payment or performance that the debtor acknowledges that obligation.

Article 21

Where, as a result of a circumstance which is beyond the control of the creditor and which he could neither avoid nor overcome, the creditor has been prevented from causing the limitation period to cease to run, the limitation period shall be extended so as not to expire before the expiration of one year from the date on which the relevant circumstance ceased to exist.

MODIFICATION OF THE LIMITATION PERIOD BY THE PARTIES

Article 22

1. The limitation period cannot be modified or affected by any declaration or agreement between the parties, except in the cases provided for in paragraph 2 of this article.
2. The debtor may at any time during the running of the limitation period extend the period by a declaration in writing to the creditor. This declaration may be renewed.
3. The provisions of this article shall not affect the validity of a clause in the contract of sale which stipulates that arbitral proceedings shall be commenced within a shorter period of limitation than that prescribed by this Convention, provided that such clause is valid under the law applicable to the contract of sale.

GENERAL LIMIT OF THE LIMITATION PERIOD

Article 23

Notwithstanding the provisions of this Convention, a limitation period shall in any event expire not later than ten years from the date on which it commenced to run under articles 9, 10, 11 and 12 of this Convention.

CONSEQUENCES OF THE EXPIRATION OF THE LIMITATION PERIOD

Article 24

Expiration of the limitation period shall be taken into consideration in any legal proceedings only if invoked by a party to such proceedings.

Article 25

1. Subject to the provisions of paragraph 2 of this article and of article 24, no claim shall be recognized or enforced in any legal proceedings commenced after the expiration of the limitation period.
2. Notwithstanding the expiration of the limitation period, one party may rely on his claim as a defence or for the purpose of set-off against a claim asserted by the other party, provided that in the latter case this may only be done:
 - (a) if both claims relate to the same contract or to several contracts concluded in the course of the same transaction; or
 - (b) if the claims could have been set-off at any time before the expiration of the limitation period.

Article 26

Where the debtor performs his obligation after the expiration of the limitation period, he shall not on that ground be entitled in any way to claim restitution even if he did not know at the time when he performed his obligation that the limitation period had expired.

Article 27

The expiration of the limitation period with respect to a principal debt shall have the same effect with respect to an obligation to pay interest on that debt.

CALCULATION OF THE PERIOD

Article 28

1. The limitation period shall be calculated in such a way that it shall expire at the end of the day which corresponds to the date on which the period commenced to run. If there is no such corresponding date, the period shall expire at the end of the last day of the last month of the limitation period.
2. The limitation period shall be calculated by reference to the date of the place where the legal proceedings are instituted.

Article 29

Where the last day of the limitation period falls on an official holiday or other *dies non juridicus* precluding the appropriate legal action in the jurisdiction where the creditor institutes legal proceedings or asserts a claim as envisaged in article 13, 14 or 15, the limitation period shall be extended so as not to expire until the end of the first day following that official holiday or *dies non juridicus* on which such proceedings could be instituted or on which such a claim could be asserted in that jurisdiction.

INTERNATIONAL EFFECT

Article 30

The acts and circumstances referred to in articles 13 through 19 which have taken place in one Contracting State shall have effect for the purposes of this Convention in another Contracting State, provided that the creditor has taken all reasonable steps to ensure that the debtor is informed of the relevant act or circumstances as soon as possible.

PART II. IMPLEMENTATION

Article 31

1. If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.
2. These declarations shall be notified to the Secretary-General of the United Nations and shall state expressly the territorial units to which the Convention applies.
3. If a Contracting State described in paragraph 1 of this article makes no declaration at the time of signature, ratification or accession, the Convention shall have effect within all territorial units of that State.
4. *See footnote 3* If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party to a contract is located in that State, this place of business shall, for the purposes of this Convention, be considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

Article 32

Where in this Convention reference is made to the law of a State in which different systems of law apply, such reference shall be construed to mean the law of the particular legal system concerned.

Article 33

Each Contracting State shall apply the provisions of this Convention to contracts concluded on or after the date of the entry into force of this Convention.

PART III. DECLARATIONS AND RESERVATIONS

Article 34 See footnote 4

1. Two or more Contracting States which have the same or closely related legal rules on matters governed by this Convention may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States. Such declarations may be made jointly or by reciprocal unilateral declarations.
2. A Contracting State which has the same or closely related legal rules on matters governed by this Convention as one or more non-Contracting States may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States.
3. If a State which is the object of a declaration under paragraph 2 of this article subsequently becomes a Contracting State, the declaration made shall, as from the date on which this Convention enters into force in respect of the new Contracting State, have the effect of a declaration made under paragraph 1, provided that the new Contracting State joins in such declaration or makes a reciprocal unilateral declaration.

Article 35

A Contracting State may declare, at the time of the deposit of its instrument of ratification or accession, that it will not apply the provisions of this Convention to actions for annulment of the contract.

Article 36

Any State may declare, at the time of the deposit of its instrument of ratification or accession, that it shall not be compelled to apply the provisions of article 24 of this Convention.

Article 36 bis (Article XII of the Protocol)

Any State may declare at the time of the deposit of its instrument of accession or its notification under article 43 *bis* that it will not be bound by the amendments to article 3 made by article I of the 1980 Protocol *See footnote 5*. A declaration made under this article shall be in writing and be formally notified to the depositary.

Article 37 See footnote 6

This Convention shall not prevail over any international agreement which has already been or may be entered into and which contains provisions concerning the matters governed by this Convention, provided that the seller and buyer have their places of business in States parties to such agreement.

Article 38

1. A Contracting State which is a party to an existing convention relating to the international sale of goods may declare, at the time of the deposit of its instrument of ratification or accession, that it will apply this Convention exclusively to contracts of international sale of goods as defined in such existing convention.

2. Such declaration shall cease to be effective on the first day of the month following the expiration of twelve months after a new convention on the international sale of goods, concluded under the auspices of the United Nations, shall have entered into force.

Article 39

No reservation other than those made in accordance with articles 34, 35, 36, 36 *bis* and 38 shall be permitted.

Article 40

1. Declarations made under this Convention shall be addressed to the Secretary-General of the United Nations and shall take effect simultaneously with the entry of this Convention into force in respect of the State concerned, except declarations made thereafter. The latter declarations shall take effect on the first day of the month following the expiration of six months after the date of their receipt by the Secretary-General of the United Nations. *See footnote 7* Reciprocal unilateral declarations under article 34 shall take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the Secretary-General of the United Nations.

2. Any State which has made a declaration under this Convention may withdraw it at any time by a notification addressed to the Secretary-General of the United Nations. Such withdrawal shall take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the Secretary-General of the United Nations. In the case of a declaration made under article 34 of this Convention, such withdrawal shall also render inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

PART IV. FINAL CLAUSES

Article 41

This Convention *See footnote 8* shall be open until 31 December 1975 for signature by all States at the Headquarters of the United Nations.

Article 42

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 43

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 43 bis (Article X of the Protocol)

If a State ratifies or accedes to the 1974 Limitation Convention after the entry into force of the 1980 Protocol, the ratification or accession shall also constitute a ratification of or an accession to the Convention as amended by the 1980 Protocol if the State notifies the depositary accordingly.

Article 43 ter (Article VIII (2) of the Protocol)

Accession to the 1980 Protocol by any State which is not a Contracting Party to the 1974 Limitation Convention shall have the effect of accession to that Convention as amended by the Protocol, subject to the provisions of article 44 *bis*.

Article 44

1. This Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, this Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification or accession.

Article 44 bis (Article XI of the Protocol)

Any State which becomes a Contracting Party to the 1974 Limitation Convention, as amended by the 1980 Protocol, shall, unless it notifies the depositary to the contrary, be considered to be also a Contracting Party to the Convention, unamended, in relation to any Contracting Party to the Convention not yet a Contracting Party to the 1980 Protocol.

Article 45

1. Any Contracting State may denounce this Convention by notifying the Secretary-General of the United Nations to that effect.
2. The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the Secretary-General of the United Nations.

Article 45 bis (Article XIII (3) of the Protocol)

Any Contracting State in respect of which the 1980 Protocol ceases to have effect by the application of paragraphs (1) and (2) *See footnote 9* of article XIII of the 1980 Protocol shall remain a Contracting Party to the 1974 Limitation Convention, unamended, unless it denounces the unamended Convention in accordance with article 45 of that Convention.

Article 46

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Footnote: 1 Text as amended in accordance with article I of the 1980 Protocol. States that make a declaration under article 36 *bis* (article XII of the 1980 Protocol) will be bound by article 3 as originally adopted in the Limitation Convention, 1974. Article 3 as originally adopted reads as follows:

“Article 3

1. This Convention shall apply only if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States.
2. Unless this Convention provides otherwise, it shall apply irrespective of the law which would otherwise be applicable by virtue of the rules of private international law.
3. This Convention shall not apply when the parties have expressly excluded its application.”

Footnote: 2 Text of paragraphs (a) and (e) as amended in accordance with article II of the 1980 Protocol. Paragraphs (a) and (e) of article 4 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

- “(a) of goods bought for personal, family or household use;
(e) of ships, vessels, or aircraft;”

Footnote: 3 New paragraph 4, added in accordance with article III of the 1980 Protocol.

Footnote: 4 Text as amended in accordance with article IV of the 1980 Protocol. Article 34 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

“Article 34

Two or more Contracting States may at any time declare that contracts of sale between a seller having a place of business in one of these States and a buyer having a place of business in another of these States shall not be governed by this Convention, because they apply to the matters governed by this Convention the same or closely related legal rules.”

Footnote: 5 Such a State will then be bound by article 3 of the unamended Convention. For its text, see footnote under article 3.

Footnote: 6 Text as amended in accordance with article V of the Protocol, Article 37 as originally adopted in the Limitation Convention, 1974, prior to its amendment under the 1980 Protocol, read as follows:

“Article 37

This Convention shall not prevail over conventions already entered into or which may be entered into, and which contain provisions concerning the matters covered by this Convention, provided that the seller and buyer have their places of business in States parties to such a convention.”

Footnote: 7 Last sentence of paragraph 1 of article 40 added in accordance with article VI of the 1980 Protocol.

Footnote: 8 Refers to the 1974 Limitation Convention.

Footnote: 9 Paragraphs (1) and (2) of article XIII of the Protocol read as follows:

“(1) A Contracting State may denounce this Protocol by notifying the depositary to that effect.

(2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the depositary.”

SCHEDULE 4

PROTOCOL AMENDING THE CONVENTION ON THE LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS

The States Parties to this Protocol,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Considering that amending the Convention on the Limitation Period in the International Sale of Goods, concluded at New York on 14 June 1974 (the 1974 Limitation Convention), to conform to the United Nations Convention on Contracts for the International Sale of Goods, concluded at Vienna on 11 April 1980 (the 1980 Sales Convention), would promote the adoption of the uniform rules governing the limitation period contained in the 1974 Limitation Convention,

Have agreed to amend the 1974 Limitation Convention as follows:

Article I

(1) Paragraph 1 of article 3 is replaced by the following provisions:

“1. This Convention shall apply only

(a) if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States; or

(b) if the rules of private international law make the law of a Contracting State applicable to the contract of sale.”

(2) Paragraph 2 of article 3 is deleted.

(3) Paragraph 3 of article 3 is renumbered as paragraph 2.

Article II

(1) Subparagraph (a) of article 4 is deleted and replaced by the following provision:

“(a) of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use;”

(2) Subparagraph (e) of article 4 is deleted and is replaced by the following provision:

“(e) of ships, vessels, hovercraft or aircraft;”

Article III

A new paragraph 4 is added to article 31 reading as follows:

“(4) If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party to a contract is located in that State, this place of business shall, for the purposes of this Convention, be considered not to be in a Contracting State unless it is in a territorial unit to which the Convention extends.”

Article IV

The provisions of article 34 are deleted and are replaced by the following provisions:

“1 Two or more Contracting States which have the same or closely related legal rules on matters governed by this Convention may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States. Such declarations may be made jointly or be reciprocal unilateral declarations.

2 A Contracting State which has the same or closely related legal rules on matters governed by this Convention as one or more non-Contracting States may at any time declare that the Convention shall not apply to contracts of international sale of goods where the parties have their places of business in those States.

3 If a State which is the object of a declaration under paragraph (2) of this article subsequently becomes a Contracting State, the declaration made shall, as from the date on which this Convention enters into force in respect of the new Contracting

State, have the effect of a declaration made under paragraph (1), provided that the new Contracting State joins in such declaration or makes a reciprocal unilateral declaration.”

Article V

The provisions of article 37 are deleted and are replaced by the following provisions:

“This Convention shall not prevail over any international agreement which has already been or may be entered into and which contains provisions concerning the matters governed by this Convention, provided that the seller and buyer have their places of business in States parties to such agreement.”

Article VI

At the end of paragraph 1 of article 40, the following provision is added:

“Reciprocal unilateral declarations under article 34 shall take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the Secretary-General of the United Nations.”

FINAL PROVISIONS

Article VII

The Secretary-General of the United Nations is hereby designated as the depositary for this Protocol.

Article VIII

- (1) This Protocol shall be open for accession by all States.
- (2) Accession to this Protocol by any State which is not a Contracting Party to the 1974 Limitation Convention shall have the effect of accession to that Convention as amended by this Protocol, subject to the provisions of article XI.
- (3) Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article IX

- (1) This Protocol shall enter into force on the first day of the sixth month following the deposit of the second instrument of accession, provided that on that date:

- (a) the 1974 Limitation Convention is itself in force; and
- (b) the 1980 Sales Convention is also in force.

If these Conventions are not both in force on that date, this Protocol shall enter into force on the first day on which both Conventions are in force.

- (2) For each State acceding to this Protocol after the second instrument of accession has been deposited, this Protocol shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of accession, if by that date the Protocol is itself in force. If by that date the Protocol itself is not yet in force, the Protocol shall enter into force for that State on the date the Protocol itself enters into force.

Article X

If a State ratifies or accedes to the 1974 Limitation Convention after the entry into force of this Protocol, the ratification or accession shall also constitute an accession to this Protocol if the State notifies the depositary accordingly.

Article XI

Any State which becomes a Contracting Party to the 1974 Limitation Convention, as amended by this Protocol, by virtue of articles VIII, IX or X of this Protocol shall, unless it notifies the depositary to the contrary, be considered to be also a Contracting Party to the Convention not yet a Contracting Party to this Protocol.

Article XII

Any State may declare at the time of the deposit of its instrument of accession or its notification under article X that it will not be bound by article I of the Protocol. A declaration made under this article shall be in writing and be formally notified to the depositary.

Article XIII

- (1) A Contracting State may denounce this Protocol by notifying the depositary to that effect.
- (2) The denunciation shall take effect on the first day of the month following the expiration of twelve months after receipt of the notification by the depositary.

(3) Any Contracting State in respect of which this Protocol ceases to have effect by the application of paragraphs (1) and (2) of this article shall remain a Contracting party to the 1974 Limitation Convention, unamended, unless it denounces the unamended Convention in accordance with article 45 of that Convention.

Article XIV

(1) The depositary shall transmit certified true copies of this Protocol to all States.

(2) When this Protocol enters into force in accordance with article IX, the depositary shall prepare a text of the 1974 Limitation Convention, as amended by this Protocol, and shall transmit certified true copies to all States Parties to that Convention, as amended by this Protocol.

Done at Vienna, this day of 11 April 1980, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

September 2000

Limitations Act, 2002

5 Subsection 2 (1) of the *Limitations Act, 2002* is amended by striking out “and” at the end of clause (e), by adding “and” at the end of clause (f) and by adding the following clause:

(g) proceedings to which the Limitation Convention or the Amended Limitation Convention, as defined in the *International Sales Conventions Act*, applies.

Commencement

6 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

**SCHEDULE 9
MINISTRY OF CITIZENSHIP AND IMMIGRATION**

FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006

1 Section 5 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

Application

5 (1) This Act applies to regulated professions.

Compulsory trades

(2) This Act applies to the Ontario College of Trades in the same manner and to the same extent as if a reference in this Act to a regulated profession were a reference to a compulsory trade.

2 Section 16 of the Act is repealed and the following substituted:

Employees

16 The employees that are considered necessary for the proper conduct of the affairs of the Office of the Fairness Commissioner may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

3 The English version of section 18 of the Act is amended by striking out "Such employees as are considered necessary" at the beginning and substituting "The employees that are considered necessary".

4 (1) The following provisions of subsection 30 (1) of the Act are amended by striking out "a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)" wherever that expression appears and substituting in each case "a person employed in the Office of the Fairness Commissioner":

1. Clause (a) at the end.

2. Clause (c).

(2) Clause 30 (2) (a) of the Act is amended by striking out "a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)" and substituting "a person employed in the Office of the Fairness Commissioner".

5 (1) Subsection 32 (1) of the Act is repealed and the following substituted:

Immunity

(1) No proceeding shall be commenced against the Fairness Commissioner, anyone employed in the Office of the Fairness Commissioner or anyone employed under section 18 for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act.

(2) Subsection 32 (2) of the Act is amended by striking out "anyone employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3)" and substituting "anyone employed in the Office of the Fairness Commissioner".

6 Section 33 of the Act is amended by striking out the portion before clause (a) and substituting the following:

Limitation on powers

33 Neither the Fairness Commissioner, nor anyone employed in the Office of the Fairness Commissioner, nor anyone employed under section 18,

7 Clause 34 (1) (a) of the Act is repealed.

8 Section 2 of Schedule 1 to the Act is repealed.

PROFESSIONAL FORESTERS ACT, 2000

9 Paragraph 25.1 of subsection 53 (1) of the *Professional Foresters Act, 2000* is amended by adding "and Compulsory Trades" after "Regulated Professions".

REGULATED HEALTH PROFESSIONS ACT, 1991

10 The following provisions of the *Regulated Health Professions Act, 1991* are amended by adding "and Compulsory Trades" after "Regulated Professions" in each case:

1. Section 5.1.

2. Clause 43 (1) (i).

3. The definition of “Fairness Commissioner” in section 22.1 of Schedule 2.

11 (1) The following provisions of subsection 22.12 (1) of Schedule 2 to the Act are amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of the *Fair Access to Regulated Professions Act, 2006*” wherever that expression appears and substituting in each case “a person employed in the Office of the Fairness Commissioner”:

1. Clause (a) at the end.

2. Clause (b).

(2) Clause 22.12 (2) (a) of Schedule 2 to the Act is amended by striking out “a person employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of the *Fair Access to Regulated Professions Act, 2006*” and substituting “a person employed in the Office of the Fairness Commissioner”.

12 The following provisions of Schedule 2 to the Act are amended by striking out “anyone employed by the Fairness Commissioner or providing services under an agreement referred to in subsection 16 (3) of the *Fair Access to Regulated Professions Act, 2006*” wherever that expression appears and substituting in each case “anyone employed in the Office of the Fairness Commissioner”:

1. Subsection 22.13 (1).

2. Subsection 22.13 (2).

3. Section 22.14, in the portion before clause (a).

COMMENCEMENT

Commencement

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Same

(2) Sections 2, 4, 5, 6, 11 and 12 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 10
MINISTRY OF ENERGY**

ELECTRICITY ACT, 1998

1 Subsection 33 (6) of the *Electricity Act, 1998* is amended by striking out “60 days” and substituting “120 days”.

ONTARIO ENERGY BOARD ACT, 1998

2 (1) Clause (d) of the definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “subsection 5 (3), (4), (5) or (6)” at the beginning and substituting “subsection 5 (4), (5), (6) or (7)”.

(2) The Act is amended by adding the following section:

Liquidators, etc.

21.1 (1) None of the following prevent the exercise by the Board of any jurisdiction conferred by this or any other Act with respect to a regulated utility:

1. The fact that a liquidator, receiver, manager or other official of the regulated utility has been appointed by a court in Ontario.
2. The fact that a writ of sequestration has been issued in Ontario with respect to the regulated utility.
3. The fact that a person is managing or operating the regulated utility under the authority of a court in Ontario.

Obligations of liquidators, etc.

(2) A regulated utility interim official shall manage and operate the regulated utility in accordance with,

- (a) this Act;
- (b) any other Act, to the extent that it confers jurisdiction on the Board;
- (c) any applicable licence, order or direction issued by the Board under this Act or an Act referred to in clause (b);
- (d) any applicable rule made under section 44 or code issued under section 70.1; and
- (e) any applicable assurance of voluntary compliance given to the Board under section 112.7.

Must obey Board

(3) A regulated utility interim official, and any person acting under a regulated utility interim official, shall obey all orders of the Board within its jurisdiction in respect of the regulated utility, and the Board may enforce its orders against the official or person even though the official or person is appointed by, or acts under the authority of, a court.

Definitions

(4) In this section,

“regulated utility” means,

- (a) a gas distributor, gas transmitter or storage company whose rates are approved or fixed by the Board under section 36, and
- (b) a distributor or transmitter whose rates are approved or fixed by the Board under section 78; (“service public réglementé”)

“regulated utility interim official” means,

- (a) a liquidator, receiver, manager or other official of a regulated utility who has been appointed by a court in Ontario,
- (b) a person acting in respect of a regulated utility under the authority of a writ of sequestration that has been issued in Ontario, or
- (c) a person who is managing or operating a regulated utility under the authority of a court in Ontario. (“agent intérimaire d’un service public réglementé”)

(3) Subsections 36 (4.1) and (4.2) of the Act are repealed and the following substituted:

Deferral or variance accounts

(4.1) If a gas distributor has a deferral or variance account that relates to the commodity of gas, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

Same

(4.2) If a gas distributor has a deferral or variance account that does not relate to the commodity of gas, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

~~(4) Subclause 44 (1) (b.1) (i) of the Act is repealed and the following substituted:~~

~~—— (i) stopping the distribution of gas to a property, including the manner in which and the time within which the distribution stops or is to stop, and, with respect to a low volume consumer as defined in section 47, periods during which the distribution may not be stopped;~~

~~(5) Section 44 of the Act is amended by adding the following subsection:~~

Conflict with *Public Utilities Act*

~~(4.1) In the event of a conflict between a rule of the Board made under subclause (1) (b.1) (i) and anything in section 59 of the *Public Utilities Act*, the rule of the Board prevails.~~

~~(6) Sub-clause 70 (2) (d) (ii.1) (A) of the Act is repealed and the following substituted:~~

~~—— (A) the disconnection of the supply of electricity to a consumer, including the manner in which and the time within which the disconnection takes place or is to take place, and with respect to a low volume consumer, periods during which the disconnection may not take place;~~

~~(7) Section 70 of the Act is amended by adding the following subsection:~~

Conflict with *Electricity Act, 1998*

~~(8) In the event of a conflict between a licence condition referred to in sub-clause (2) (d) (ii.1) (A) and anything in section 31 of the *Electricity Act, 1998*, the licence condition prevails.~~

(8) Subsections 78 (6.1) and (6.2) of the Act are repealed and the following substituted:

Deferral or variance accounts

(6.1) If a distributor has a deferral or variance account that relates to the commodity of electricity, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

Same

(6.2) If a distributor has a deferral or variance account that does not relate to the commodity of electricity, the Board shall, from time to time, or as prescribed by the regulations, make an order under this section that determines whether and how amounts recorded in the account shall be reflected in rates.

(9) Subsection 79.1 (1) of the Act is amended by striking out “shall provide” and substituting “may provide”.

(10) Subsection 82 (2) of the Act is repealed and the following substituted:

Order

(2) The Board shall make an order approving a proposal described in section 80 if it determines that,

- (a) the impact of the proposal would not adversely affect the development and maintenance of a competitive market and the proposal is not inconsistent with the objectives of the Board or the purposes of the *Electricity Act, 1998*; or
- (b) the proposal is required to maintain the reliability of the transmission or distribution system of the relevant transmitter or distributor.

(11) Subsection 82 (3) of the Act is repealed and the following substituted:

Same

(3) The Board shall make an order approving a proposal described in section 81 if it determines that,

- (a) the impact of the proposal would not adversely affect the development and maintenance of a competitive market; and
- (b) the proposal is not inconsistent with the objectives of the Board or the purposes of the *Electricity Act, 1998*.

(12) The Act is amended by adding the following section:

Exemptions

82.1 (1) The Board may, without a hearing, establish criteria exempting one or more classes of transactions or construction activities from the application of section 80 or 81.

No notice if exempt

(2) A person is not required to give notice of a proposal under section 80 or 81 if the proposal meets the criteria established by the Board under subsection (1).

(13) Subsection 110 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Notice

(3) No document, record or copy thereof obtained by an inspector under section 107 or 108, and no information obtained by an inspector under section 107, that is not otherwise public, including being made public by reason of publication under section 111.1, shall be introduced in evidence in a Board proceeding unless,

(14) Subsection 111 (2) of the Act is repealed and the following substituted:

Same

(2) If any document, record or information obtained by an inspector under section 107 or 108 that is not otherwise public, including being made public by reason of publication under section 111.1, is admitted in evidence in a proceeding under this Act or any other Act that gives powers or duties to the Board, the Board may rule on whether the document, record or information is to be kept confidential.

(15) The Act is amended by adding the following section:

Publication of inspection reports

111.1 (1) Despite section 111 but subject to subsection (2), the Board may publish a document, record or information obtained by an inspector under section 107 or 108 as part of a report that describes an inspection conducted under this Part and the results or findings of the inspection.

Non-publication of confidential material

(2) The Board shall not publish a document, record or information under subsection (1) that is not otherwise public unless the Board gives the owner of the document or record or the person who provided the document, record or information an opportunity to make representations with respect to the intended publication.

(16) Section 112 of the Act is repealed and the following substituted:

Evidence

112 No document, record or information obtained by an inspector under this Part that is not otherwise public, including being made public by reason of publication under section 111.1, is admissible in evidence in any proceeding except a proceeding in respect of an order of the Board or a proceeding in respect of an offence under section 126.

(17) Clause 127 (1) (j.19) of the Act is repealed and the following substituted:

(j.19) prescribing periods of time for the purpose of subsections 36 (4.1) and (4.2) and 78 (6.1) and (6.2);

COMMENCEMENT**Commencement**

3 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

**SCHEDULE 11
MINISTRY OF THE ENVIRONMENT AND CLIMATE CHANGE**

CLEAN WATER ACT, 2006

1 The *Clean Water Act, 2006* is amended by adding the following section:

Power to require response to inquiries

62.1 (1) For the purposes of determining compliance of a person with this Part, a risk management inspector may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a risk management inspector may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a risk management inspector may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a risk management inspector may require that a copy of it be provided to him or her on paper or electronically, or both.

ENVIRONMENTAL PROTECTION ACT

2 (1) The French version of subsection 5 (1) of the *Environmental Protection Act* is amended by striking out “pour faire appliquer” in the portion before paragraph 1 and substituting “en ce qui concerne”.

(2) Section 20.1 of the Act is amended by adding the following definition:

“prescribed instrument” means a document of legal effect that is issued or otherwise created under a prescribed provision of an Act administered by the Minister, including a permit, licence, approval or authorization but excluding an environmental compliance approval; (“acte prescrit”)

(3) Clause 20.4 (2) (b) of the Act is amended by striking out “176 (2.3)” at the end and substituting “176 (1.2)”.

(4) Section 20.17 of the Act is amended by striking out the portion before clause (a) and substituting the following:

When approval, instrument ceases to have effect

20.17 An environmental compliance approval or a prescribed instrument ceases to apply in respect of an activity at a site on the earlier of,

(5) Section 20.18 of the Act is amended by adding the following subsection:

Continuation of prescribed instrument

(3) If a prescribed instrument is in effect when the Director issues an order under subsection (1), the Director may specify in the order that the prescribed instrument continues to apply.

(6) Section 20.19 of the Act is amended by adding the following definition:

“prescribed instrument” means a document of legal effect that is issued or otherwise created under a prescribed provision of an Act administered by the Minister, including a permit, licence, approval or authorization, but excluding an environmental compliance approval; (“acte prescrit”)

(7) Subsection 20.21 (4) of the Act is repealed and the following substituted:

Transition

(4) If an environmental compliance approval or a prescribed instrument has been issued in respect of an activity before the day when a regulation prescribing the activity for the purposes of subsection (1) comes into force, subsection (1) does not apply to the holder of the approval or instrument until the day the approval or instrument ceases to apply to the activity, as determined in accordance with section 20.17.

(8) Subclause 20.23 (1) (e) (i) of the Act is amended by striking out the portion before sub-subclause (A) and substituting the following:

(i) if no application has been made for an approval under Part II.1 or for a prescribed instrument under another Act,

(9) Subclause 20.23 (1) (e) (ii) of the Act is repealed and the following substituted:

- (ii) if an application has been made for an approval under Part II.1 or for a prescribed instrument under another Act, the decision in respect of the application has been made; or

(10) Subsection 42 (5) of the Act is amended by striking out “176 (2.4) (e)” at the end and substituting “176 (1.3) (e)”.

(11) Clause (b) of the definition of “environmental measures” in section 131 of the Act is amended by striking out “176 (2.4) (i)” at the end and substituting “176 (1.3) (i)”.

(12) The definition of “financial assurance” in section 131 of the Act is amended by striking out “176 (2.4) (i)” wherever it appears and substituting in each case “176 (1.3) (i)”.

(13) Subsection 136 (2) of the Act is amended by striking out “176 (2.4) (i)” and substituting “176 (1.3) (i)”.

(14) Subclause 136 (3) (a) (ii) of the Act is amended by striking out “176 (2.4) (i)” at the end and substituting “176 (1.3) (i)”.

(15) Section 155 of the Act is amended by striking out “176 (2.4) (i)” and substituting “176 (1.3) (i)”.

(16) Section 156.2 of the Act is amended by striking out “or the *Pesticides Act*” in the portion before clause (a) and substituting “the *Pesticides Act*, the *Safe Drinking Water Act*, 2002 or the *Toxics Reduction Act*, 2009”.

(17) Section 157.0.1 of the Act is amended by adding the following subsections:

Production of document

- (3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

- (4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(18) Section 176 of the Act is amended by adding the following subsections:

Regulations relating to Part II.1

- (1.1) The Lieutenant Governor in Council may make regulations relating to Part II.1 requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage.

Same, Minister’s regulations

- (1.2) The Minister may make regulations relating to Part II.1 specifying the date on or before which an application for review of an environmental compliance approval in respect of an activity must be submitted.

Regulations relating to Part II.2

- (1.3) The Lieutenant Governor in Council may make regulations relating to Part II.2,

- (a) governing the establishment, operation and maintenance of the Registry, including requiring electronic registrations;
- (b) governing registrations and procedures for registering, which may include designating a person responsible for establishing procedures;
- (c) governing the maintenance of registrations and prescribing any information, reports, records or documents to be included in registrations;
- (d) prescribing the timing and requirements relating to periodic updating of registrations;
- (e) governing activities prescribed by the regulations for the purposes of subsection 20.21 (1);
- (f) prescribing measures that a provincial officer may require in a notice issued under section 157.4;
- (g) requiring persons with qualifications specified in the regulations to provide certifications as part of registrations;
- (h) governing certifications mentioned in clause (g);
- (i) governing requirements for financial assurance and methods of calculating financial assurance in respect of activities prescribed by the regulations for the purposes of subsection 20.21 (1) and prescribing environmental measures for which financial assurance may be required;
- (j) requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage.

(19) Subsections 176 (2.2) to (2.4) of the Act are repealed.

NUTRIENT MANAGEMENT ACT, 2002

3 (1) The *Nutrient Management Act, 2002* is amended by adding the following section:

Power to require response to inquiries

28.1 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(2) Subsection 29 (1) of the Act is repealed and the following substituted:

Order for preventive measures

(1) A provincial officer or Director may issue an order to any of the following persons if the officer or Director, as the case may be, has reasonable grounds to believe that an adverse effect described in subsection 18 (3) will result or is likely to result if materials containing nutrients are discharged into the natural environment, other than the air, from anything undertaken on, in or from lands, premises, vehicles or vessels:

1. A person who owns or who has management or control of lands or premises that the provincial officer may enter under section 13 or 16.
2. A person who operates a vehicle or vessel that the provincial officer may signal to stop or that is required to report under section 14.

(3) Clause 29 (3) (a) of the Act is amended by striking out “undertaken on or in the lands and premises; and” at the end and substituting “undertaken on, in or from lands, premises, vehicles or vessels; and”.

ONTARIO WATER RESOURCES ACT

4 (1) Section 15.0.1 of the *Ontario Water Resources Act* is amended by adding the following subsections:

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(2) The French version of clause 53 (6) (b) of the Act is amended by striking out “égout séparatif” at the end substituting “égout sanitaire”.

(3) The French version of subsection 53 (6.1) of the Act is amended by striking out “ne s’applique pas” in the portion before clause (a) and substituting “s’applique”.

PESTICIDES ACT

5 The *Pesticides Act* is amended by adding the following section:

Power to require response to inquiries

26.0.1 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

SAFE DRINKING WATER ACT, 2002

6 (1) The English version of the definition of “drinking water system” in subsection 2 (1) of the *Safe Drinking Water Act, 2002* is amended by striking out “and that includes” in the portion before clause (a) and substituting “and includes”.

(2) Subsections 12 (2) to (4) of the Act are repealed.

(3) Section 30 of the Act is repealed and the following substituted:

Definition

30 In this Part,

“financial plans” means financial plans that satisfy the requirements prescribed by the Minister.

(4) Subparagraph 2 ii of subsection 32 (5) of the Act is repealed and the following substituted:

- ii. proof satisfactory to the Director that the financial plans for the system satisfy the requirements under this Act if the Minister prescribes requirements referred to in the definition of “financial plans” in section 30.

(5) The Act is amended by adding the following section:

Power to require response to inquiries

104.1 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

(6) Subsection 127 (2) of the Act is repealed and the following substituted:

Exception, decisions requested or consented to

(2) Subsections (1) and (1.1) do not apply to a decision made at the request or with the consent of,

- (a) the applicant for, or holder of, the permit, licence, certificate or approval, if the decision concerns a permit, licence, certificate or approval; or
- (b) the person to whom the order is issued, if the decision concerns an order.

(7) Clause 128 (1) (a) of the Act is repealed and the following substituted:

- (a) if the decision concerns a permit, licence, certificate or approval, on the applicant for, or the holder of, the permit, licence, certificate or approval; or

(8) Clause 129 (3) (a) of the Act is repealed and the following substituted:

- (a) the aspect of the decision, including the portion of the permit, licence, certificate, approval, order or notice of administrative penalty in respect of which the hearing is required; and

TOXICS REDUCTION ACT, 2009

7 The *Toxics Reduction Act, 2009* is amended by adding the following section:

Power to require response to inquiries

26.2 (1) For the purposes of determining compliance of a person with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by telephone or by any other means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided to him or her on paper or electronically, or both.

COMMENCEMENT

Commencement

8 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 12
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES
BUSINESS CORPORATIONS ACT

1 (1) Clause (c) of the definition of “resident Canadian” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “*Immigration Act (Canada)*” and substituting “*Immigration and Refugee Protection Act (Canada)*”.

(2) Clause 2 (3) (d) of the Act is amended by striking out “*Credit Unions and Caisses Populaires Act*” and substituting “*Credit Unions and Caisses Populaires Act, 1994*”.

(3) Clause 56 (1) (b) of the Act is amended by striking out “*Ontario Business Corporations Act*” and substituting “*Business Corporations Act (Ontario)*”.

(4) Subsection 101 (1) of the Act is repealed and the following substituted:

Quorum

(1) Unless the by-laws provide otherwise, a quorum of shareholders is present at a meeting of shareholders, irrespective of the number of persons actually present at the meeting, if the holders of a majority of the shares entitled to vote at the meeting are present in person or represented by proxy.

(5) The French version of subsection 108 (5.1) of the Act is repealed and the following substituted:

Convention unanime des actionnaires

(5.1) Le présent article n’empêche pas les actionnaires de restreindre leur pouvoir discrétionnaire dans l’exercice, au titre d’une convention unanime des actionnaires, des pouvoirs des administrateurs.

(6) Subsections 126 (1) and (2) of the Act are repealed and the following substituted:

Directors’ meetings

(1) Unless the articles or by-laws provide otherwise, the directors may meet at any place.

(7) Subsection 126 (3) of the Act is amended by striking out “but in no case shall a quorum be less than two-fifths of the number of directors or minimum number of directors, as the case may be”.

(8) Subsection 126 (14) of the Act is repealed.

(9) Section 129 of the Act is amended by adding the following subsection:

Evidence

(3) An entry in the minutes of a meeting to the effect that the chair of the meeting declared a resolution to be carried or defeated is, in the absence of evidence to the contrary, proof of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(10) Subclauses (a) (i), (ii) and (iii) of subsection 141 (1) of the Act are amended by adding “and an e-mail address if one is provided” after “if any” wherever it appears.

BUSINESS REGULATION REFORM ACT, 1994

2 (1) Section 8 of the *Business Regulation Reform Act, 1994* is amended by adding the following subsection:

Same, certain corporations

(3.2) The Minister responsible for the administration of this section may enter into agreements with a corporation that administers a designated Act or provisions of a designated Act on behalf of the Government of Ontario or with a Crown corporation that exercises powers or performs duties under a designated Act respecting whether the corporation must,

(a) assign business identifiers to businesses in accordance with the system of business identifiers established under this section; and

(b) use the system of business identifiers for any other purpose.

(2) Subsection 8.1 (1) of the Act is amended by adding “and update previously provided business information provided to him or her” at the end.

(3) Section 8.1 of the Act is amended by adding the following subsection:

Minister may require business information, certain corporations

(4.1) If an agreement mentioned in subsection 8 (3.2) is entered into with a corporation, the Minister responsible for the administration of this section,

(a) may require that the corporation provide prescribed business information to the Minister; and

(b) may receive business information from the corporation.

(4) Subsection 8.1 (5) of the Act is amended by striking out “subsection (4)” in the portion before clause (a) and substituting “subsection (4) or (4.1)”.

(5) Subsection 8.1 (6) of the Act is amended by striking out “subsection (4)” wherever it appears and substituting in each case “subsection (4) or (4.1)”.

(6) Clause 8.1 (7) (a) of the Act is amended by striking out “subsections (1) and (4)” and substituting “subsections (1), (4) and (4.1)”.

CONSUMER PROTECTION ACT, 2002

3 (1) Paragraph 2 of subsection 103 (2) of the *Consumer Protection Act, 2002* is repealed and the following substituted:

2. A failure by a supplier to provide a document or other evidence as required by the Ministry under subsection 105 (4).

(2) Subsection 103 (2) of the Act is amended by adding the following paragraph:

3.1 Compliance orders issued under this Act.

(3) Section 103 of the Act is amended by adding the following subsections:

Additional information

(2.2) If information is required to be made public with respect to a supplier under subsection (2) or the regulations, the Director shall include in the public record in respect of the supplier, all of the following information, if known to the Director:

1. All of the supplier's business names and business locations.
2. Any other prescribed information about the supplier's business.

Agreements for shared information

(2.3) The Director may enter into an agreement with any of the following entities for that entity to disclose information to the Ministry for the purpose of making the information publicly available for the purposes of this section:

1. Another ministry of the Government of Ontario, a corporation that administers legislation on behalf of that Government or an agency, board or commission established under an Act of Ontario.
2. A municipality in Ontario or one of its agencies, boards or commissions.
3. The Government of Canada or one of its ministries, departments, agencies, boards or commissions.

Public record

(2.4) If the Ministry receives information pursuant to an agreement described in subsection (2.3), the Director shall maintain a public record of the information in addition to the public record described in subsection (2).

Freedom of information legislation

(2.5) The disclosure of personal information in a public record under this section is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*.

(4) Section 105 of the Act is amended by adding the following subsections:

Mediation

(2) The Ministry may mediate a complaint if the parties to the complaint agree to mediation.

Agreement to mediate

(3) The agreement to mediate a complaint shall be signed by the parties to the complaint and be on a form approved by the Director that contains the terms and conditions of the mediation and the parties' obligations regarding the mediation.

Documents and other evidence

(4) If the Ministry attempts to mediate or resolve a complaint involving a supplier and a consumer, the Ministry may request in writing that either party to the mediation provide, to the Ministry within the time specified by the Ministry, documents or other evidence that are relevant to the complaint.

Supplier's failure to respond

(5) If a supplier fails to provide a document or other evidence as required by the Ministry under subsection (4), the Director shall include the supplier's name and the record of the failure as part of the public record described in paragraph 2 of subsection 103 (2).

Consumer's failure to respond

(6) If a consumer fails to provide a document or other evidence as required by the Ministry under subsection (4), the Ministry shall take no other action in relation to the mediation.

Director's powers saved

(7) Nothing in a mediation or its results affects the authority of the Director to address the complaint even if the mediation results in a settlement.

Protection of settlement records

(8) None of the records, evidence or information that are disclosed in the course of attempting to effect a settlement and that are subject to mediation privilege shall be used or disclosed outside the attempted settlement.

Protection for mediator

(9) A person who conducts a mediation under this section shall not be required to testify in a civil proceeding or in a proceeding before any tribunal respecting the mediation.

(5) Section 105.2 of the Act is amended by adding the following subsections:**Additional contact**

(10.1) In addition to the power to enter a place under this section, an inspector may, by any means, contact any person who is in control of the operations of a supplier and may exercise the powers that he or she has to conduct an inspection under this section with respect to the supplier or person, without entering any place, if the inspector establishes that,

- (a) the supplier is subject to this Act; and
- (b) the person is in control of the operations of the supplier.

Identification

(10.2) An inspector who establishes contact with a person under subsection (10.1) shall provide a written confirmation to the person of the inspector's authority to conduct the inspection, whether or not there is a request under subsection (5).

Time for production

(10.3) If an inspector establishes contact with a person under subsection (10.1) and requires the person to produce a record or other thing under clause (6) (b), the person shall provide the record or other thing to the inspector in the manner specified by the inspector and within the time specified by the inspector, which shall not be less than 15 days from the day of the demand to produce.

Duty to assist

(10.4) A person who is contacted by an inspector under subsection (10.1) shall assist the inspector in accordance with subsection (8), subject to the time period mentioned in subsection (10.3).

(6) Subsection 105.3 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:**Delegation of order-making powers**

(1) The Director may delegate to an inspector, subject to any conditions set out in the delegation, the power to make any proposal or order that the Director may make under the following sections and a proposal or order made by an inspector pursuant to such a delegation is, for all purposes, as effective as if it were made by the Director:

(7) Subsection 105.3 (3) of the Act is repealed and the following substituted:**References to Director**

(3) If an inspector has made a proposal or an order pursuant to a delegation under this section, every reference to the Director in or with respect to the section under which the proposal or order, as the case may be, was made and every reference to the Director in sections 121 and 122 is deemed to be a reference to that inspector.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**4 (1) Clause 24 (1) (a) of the Freedom of Information and Protection of Privacy Act is repealed and the following substituted:**

- (a) make a request in writing to the institution that the person believes has custody or control of the record, and specify that the request is being made under this Act;

(2) Clause 48 (1) (a) of the Act is repealed and the following substituted:

- (a) make a request in writing to the institution that the individual believes has custody or control of the personal information, and specify that the request is being made under this Act;

LAND TITLES ACT

5 (1) ~~The definitions of “fraudulent instrument” and “fraudulent person” in section 1 of the *Land Titles Act* are repealed and the following substituted:~~

~~“fraudulent instrument” means a registered instrument,~~

- ~~—(a) that facilitates or perpetrates fraud with respect to an estate or interest in land;~~
~~—(b) that is registered subsequent to an instrument described in clause (a) and on the title to the same property affected by that instrument and that is made by a person who facilitated or perpetrated the fraud under that instrument; or~~
~~—(c) that is a transfer of a charge, if the charge is an instrument described in clause (a); (“acte frauduleux”)~~

(2) Subsections 39 (2) to (5) of the Act are repealed and the following substituted:

Registration of easements

(2) If an easement described in subsection (3) is granted and if the evidence of the easement that the Director of Titles requires is produced to that Director, the easement shall be registered on title to the servient lands and may be registered on title to the dominant lands.

Same

(3) Subsection (2) applies to an easement in or over registered land that is granted as appurtenant to land registered in a registry division or an easement in or over land registered in a registry division that is granted as appurtenant to registered land.

Manner of recording

(4) The recording of the easement shall be done in the manner specified by the Director of Titles.

(3) Subsection (2) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* does not come into force before the day subsection (2) comes into force.

(4) Subsections 39 (2) and (4) of the Act, as re-enacted by subsection (2), are repealed and the following substituted:

Registration of easements

(2) If an easement described in subsection (3) is granted and if the evidence of the easement that the Director requires is produced to the Director, the easement shall be registered on title to the servient lands and may be registered on title to the dominant lands.

Manner of recording

(4) The recording of the easement shall be done in the manner specified by the Director.

(5) Subsection (4) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force on or before the day subsection (4) comes into force.

(6) Clause 61 (2) (a) of the Act is repealed and the following substituted:

- (a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, upon providing the Director of Titles with proof of the co-owner’s percentage of ownership in the manner specified by the Director of Titles; or

(7) Subsection (6) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* does not come into force before the day subsection (6) comes into force.

(8) Clause 61 (2) (a) of the Act, as re-enacted by subsection (6), is repealed and the following substituted:

- (a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, upon providing the Director with proof of the co-owner’s percentage of ownership in the manner specified by the Director; or

(9) Subsection (8) applies only if subsection 1 (1) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force on or before the day subsection (8) comes into force.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

6 (1) Clause 17 (1) (a) of the *Municipal Freedom of Information and Protection of Privacy Act* is repealed and the following substituted:

- (a) make a request in writing to the institution that the person believes has custody or control of the record, and specify that the request is being made under this Act;

(2) Clause 37 (1) (a) of the Act is repealed and the following substituted:

- (a) make a request in writing to the institution that the individual believes has custody or control of the personal information, and specify that the request is being made under this Act;

PERSONAL PROPERTY SECURITY ACT

7 (1) The French version of subsection 41 (2) of the *Personal Property Security Act* is amended by striking out “ville de Toronto” and substituting “cité de Toronto”.

(2) Section 46 of the Act is amended by adding the following subsections:

Copy not required

(6.1) A copy of a verification statement is not required if the debtor has waived in writing the right to receive a copy.

Same

(6.2) Subsection (6.1) applies where the financing statement or financing change statement to which the verification statement relates is registered on or after the day subsection 7 (2) of Schedule 12 to the *Burden Reduction Act, 2017* comes into force.

TECHNICAL STANDARDS AND SAFETY ACT, 2000

8 (1) Subsection 22 (1) of the *Technical Standards and Safety Act, 2000* is repealed and the following substituted:

Appeal

(1) Any person affected by an order under clause 21 (1) (a), the affixing of a seal under subsection 18 (4) or clause 21 (1) (b) or a requirement to pay fees under clause 19 (1) (b) may appeal to a director within 90 days of the service of the order, the affixing of the seal or the time at which the person is required to pay the fees, as the case may be.

(2) Clause 34 (1) (a) of the Act is amended by adding “other than a matter or thing described as prescribed in clause 35.1 (2) (a)” at the end.

(3) Subsections 34 (2) and (3) of the Act are repealed.

(4) Subsections 35.1 (2) and (3) of the Act are repealed and the following substituted:

Same, insurance

(2) The Minister may make regulations,

- (a) requiring every person who is subject to this Act or the regulations to obtain and maintain liability insurance, in at least the prescribed amount and in accordance with the prescribed conditions, including deductibles; and
- (b) prescribing any matter or thing described in clause (a) as prescribed.

GOOD GOVERNMENT ACT, 2011

9 Subsections 1 (12) and (13) of Schedule 2 to the *Good Government Act, 2011* are repealed.

STRONG ACTION FOR ONTARIO ACT (BUDGET MEASURES), 2012

10 (1) Subsections 27 (2) and (3) of Schedule 28 to the *Strong Action for Ontario Act (Budget Measures), 2012* are repealed.

(2) Section 41 of Schedule 28 to the Act is repealed.

COMMENCEMENT

Commencement

11 (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Same

(2) Subsections 1 (6), (7) and (8) come into force on the day that is one year after the day the *Burden Reduction Act, 2017* receives Royal Assent.

**SCHEDULE 13
MINISTRY OF LABOUR**

PROTECTING CHILD PERFORMERS ACT, 2015

1 Subsection 6 (4) of the *Protecting Child Performers Act, 2015* is repealed and the following substituted:

Overnight travel expenses

(4) If subsection (3) applies and the employer does not arrange for or provide, at the employer's expense, travel, accommodation or food, the employer shall be responsible for paying the parent or guardian's expenses related to the costs of travel, accommodation or food, as the case may be, up to the prescribed maximums.

2 (1) Subsection 11 (1) of the Act is repealed and the following substituted:

Hours of work

(1) No employer shall require or permit a child performer to work more than eight hours in a day.

(2) Subsection 11 (6) of the Act is repealed and the following substituted:

Meals and tutoring

(6) For the purpose of calculating the number of hours of work under this section, meal breaks shall be excluded and breaks and tutoring periods shall be included.

3 Section 12 of the Act is amended by adding "from work" after "receiving a break" wherever it appears.

4 Section 13 of the Act is repealed and the following substituted:

No split shifts and rules re meal breaks

13 An employer,

- (a) shall not require or permit a child performer to work a split shift;
- (b) shall ensure that no child performer works more than five consecutive hours of work without a meal break;
- (c) shall ensure that a child performer's meal break lasts at least 30 minutes; and
- (d) shall ensure that a child performer's meal breaks, if unpaid, are not longer than one hour each.

5 Subsection 14 (2) of the Act is amended by striking out "age of 16" and substituting "age of three".

REGISTERED HUMAN RESOURCES PROFESSIONALS ACT, 2013

6 The *Registered Human Resources Professionals Act, 2013* is amended by adding the following section:

Workplace investigations

14.1 A member of the Association, who is in good standing, is authorized to conduct, for remuneration, workplace investigations in order to provide information, and section 2 of Ontario Regulation 435/07 made under the *Private Security and Investigative Services Act, 2005* applies.

COMMENCEMENT

7 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 14
MINISTRY OF NATURAL RESOURCES AND FORESTRY
CROWN FOREST SUSTAINABILITY ACT, 1994

1 (1) Subsection 27 (2) of the *Crown Forest Sustainability Act, 1994* is amended by striking out “five years” at the end and substituting “10 years”.

(2) Subsection 27 (4) of the Act is amended by striking out “for one term of one year” and substituting “for one term of up to two years”.

2 Section 68 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(11) If a manual prepared under this section incorporates a document by reference, in whole or in part, the document may be incorporated as it may be amended from time to time.

3 Section 69 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(4) If a regulation made under this section incorporates a document by reference, in whole or in part, the document may be incorporated as it may be amended from time to time.

FISH AND WILDLIFE CONSERVATION ACT, 1997

4 (1) The definitions of “furbearing mammal”, “game amphibian”, “game bird”, “game mammal” and “game reptile” in subsection 1 (1) of the *Fish and Wildlife Conservation Act, 1997* are repealed and the following substituted:

“furbearing mammal” means a member of a species prescribed by the regulations as a species of furbearing mammal; (“mammifère à fourrure”)

“game amphibian” means a member of a species prescribed by the regulations as a species of game amphibian; (“amphibien gibier”)

“game bird” means a member of a species prescribed by the regulations as a species of game bird; (“gibier à plume”)

“game mammal” means a member of a species prescribed by the regulations as a species of game mammal; (“mammifère gibier”)

“game reptile” means a member of a species prescribed by the regulations as a species of game reptile; (“reptile gibier”)

(2) The definition of “Ontario Fishery Regulations” in subsection 1 (1) of the Act is amended by striking out “Ontario Fishery Regulations, 1989” and substituting “Ontario Fishery Regulations, 2007”.

(3) The definitions of “specially protected amphibian”, “specially protected bird”, “specially protected invertebrate”, “specially protected mammal”, “specially protected raptor” and “specially protected reptile” in subsection 1 (1) of the Act are repealed and the following substituted:

“specially protected amphibian” means a member of a species prescribed by the regulations as a species of specially protected amphibian; (“amphibien spécialement protégé”)

“specially protected bird” means a specially protected raptor or a member of a species prescribed by the regulations as a species of specially protected bird; (“oiseau spécialement protégé”)

“specially protected invertebrate” means a member of a species prescribed by the regulations as a species of specially protected invertebrate; (“invertébré spécialement protégé”)

“specially protected mammal” means a member of a species prescribed by the regulations as a species of specially protected mammal; (“mammifère spécialement protégé”)

“specially protected raptor” means a member of a species prescribed by the regulations as a species of specially protected raptor; (“rapace spécialement protégé”)

“specially protected reptile” means a member of a species prescribed by the regulations as a species of specially protected reptile; (“reptile spécialement protégé”)

(4) Subsection 1 (7) of the Act is amended by adding the following clause:

(b.1) in the case of an electronic ignition muzzle-loading gun, there is a charge of powder and a projectile in the barrel and a battery connected to the primer or charge;

(5) Clause 1 (7) (c) of the Act is amended by striking out “clause (b) does not apply” and substituting “clauses (b) and (b.1) do not apply”.

(6) Clause 1 (7) (d) of the Act is amended by striking out “clauses (a), (b) and (c)” and substituting “clauses (a), (b), (b.1) and (c)”.

5 Subsection 6 (2) of the Act is repealed and the following substituted:

Trappers

(2) Despite the requirement in subsection (1) for a licence but subject to section 9 and to any requirement for a licence under section 79, the holder of a licence to trap furbearing mammals may, in accordance with the licence and without any other licence, in the area described in the licence,

- (a) to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year, trap black bear and other game mammals, other than white-tailed deer, moose, woodland caribou or American elk; and
- (b) to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year or within any additional period prescribed by the regulations, hunt,
 - (i) black bear and other game mammals, other than white-tailed deer, moose, woodland caribou or American elk,
 - (ii) game birds, other than wild turkey,
 - (iii) birds referred to in subsection 5 (2), and
 - (iv) wildlife referred to in clause (1) (h).

6 (1) Subsection 16 (1) of the Act is amended by striking out “hunting or trapping” and substituting “hunting, trapping or fishing”.

(2) Subsection 16 (2) of the Act is amended by striking out “hunting or trapping” at the end and substituting “hunting, trapping or fishing”.

7 Subsection 17 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(3) Despite clause (1) (a), a person whose mobility is impaired in the manner prescribed by the regulations may have a loaded firearm in or on, or discharge it from, a vehicle or a motorboat that is not in motion, in an area described in subsection (1), if the person does so,

8 Clause 31 (3) (b) of the Act is amended by adding “or in the circumstances prescribed by the regulations” at the end.

9 The Act is amended by adding the following section:

Refusal of licences, etc.: fine in default

72.1 (1) The Minister may refuse to issue to a person who is in default of the payment of a fine imposed for an offence under this Act or the *Fisheries Act* (Canada) any licence under this Act or any component of a licence under this Act, until the fine is paid.

Fine no longer in default

(2) On the request of the Minister, the person who has defaulted shall provide evidence that the fine in default has been paid in full.

10 Section 76 of the Act is repealed and the following substituted:

Service of notice

76 (1) A notice served by the Minister under section 72, 73, 74 or 75 shall be served,

- (a) personally;
- (b) by mail addressed to the person to be served at the person’s last known address; or
- (c) by any other method prescribed by the regulations.

When notice deemed served

(2) A notice is deemed to have been served,

- (a) if it is served personally, on the day it is served;
- (b) if it is served by mail, on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice until a later date; or
- (c) if it is served by a method prescribed by the regulations, on the day prescribed by the regulations.

11 Subsection 77 (2) of the Act is repealed and the following substituted:

Designation of hearing officer

(2) If the Minister receives a request for a hearing in accordance with subsection (1), the Minister shall designate a person as a hearing officer to hold the hearing.

12 Paragraph 4 of subsection 87 (2) of the Act is amended by striking out “National Parks Act (Canada)” and substituting “Canada National Parks Act”.

13 Clause 104 (1) (c) of the Act is repealed and the following substituted:

- (c) before applying for a licence to hunt, the person shall successfully,
 - (i) complete any hunter education course and any other educational requirement that are prescribed by the regulations for the licence, and
 - (ii) pass any examination that the regulations require for the licence.

14 (1) Section 112 of the Act is amended by adding the following paragraph:

4.0.1 prescribing, with respect to any wildlife referred to in subclause 6 (2) (b) (i), (ii), (iii) or (iv), a period during which the holder of a licence to trap furbearing mammals may hunt the wildlife to the extent that the open season falls within that period;

(2) Paragraph 20 of section 112 of the Act is repealed and the following substituted:

20. prescribing wildlife that may be harassed, captured or killed in protection of property under clause 31 (3) (b);

(3) Section 112 of the Act is amended by adding the following paragraphs:

- 20.1 prescribing the circumstances in which wildlife referred to in clause 31 (3) (b) may be harassed, captured or killed in protection of property under that clause;
- 49.1 prescribing methods of serving notice for the purpose of clause 76 (1) (c), and prescribing rules surrounding the use of such methods, including prescribing, for the purpose of clause 76 (2) (c), the day on which a notice served by a prescribed method is deemed to have been served;

15 Section 113 of the Act is amended by adding the following subsection:

Same

(2.1) For greater certainty, subsection (2) includes regulations described in paragraphs 2, 3 and 4 of subsection (1), despite the exclusions in subparagraphs 4 i, ii and iii of section 112.

16 The Act is amended by adding the following section:

Amendments to adopted documents

114.1 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made.

17 Schedules 1 to 11 to the Act are repealed.

LAKES AND RIVERS IMPROVEMENT ACT

18 Subsection 5 (2) of the *Lakes and Rivers Improvement Act* is amended by striking out “Arbitrations Act” and substituting “Arbitration Act, 1991”

19 Clause 14 (3) (a) of the Act is amended by striking out “three copies of the plans and specifications” at the beginning and substituting “the number of copies of the plans and specifications that the Minister requires up to a maximum of three copies, such plans and specifications”.

20 The French version of clause 23.1 (1) (a) of the Act is amended by adding “ou proposés” at the end.

PUBLIC LANDS ACT

21 The *Public Lands Act* is amended by adding the following section:

Occupation for specified purposes

21.1 (1) Subject to subsections (5), (6), (7), (8), (9) and (11) and the regulations, a person is authorized under this section to occupy public lands for the purpose of doing either or both of the following:

- 1. Erecting or placing on the public lands a building, structure or thing that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation.

2. Using any building, structure or thing located on the public lands that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation, whether it was erected or placed on the public lands by the person or by another person.

No instrument required to authorize possession, etc.

- (2) For greater certainty, a person who is authorized to occupy public lands under this section is not required to,
 - (a) obtain a lease, licence, permit or other instrument under this Act to occupy the lands; or
 - (b) obtain the written consent of the Minister or an officer authorized by the Minister under section 27 in respect of activities related to erecting or placing a building, structure or thing on the public lands.

Regulations re authorized persons

- (3) A regulation may provide that a person is not authorized to occupy public lands under this section unless the person meets the criteria prescribed by regulation.

Regulations re public lands

- (4) If a regulation prescribes, for the purposes of this section, a type or class of building, structure or thing that is intended to float on water or to be suspended over lands, this section applies to the occupation of any public lands over which the building, structure or thing floats or is suspended as though it were erected or placed on the public lands.

Certain public lands excluded

- (5) This section does not apply to public lands if,
 - (a) the public lands are in the possession of, or occupied by, another person and that possession or occupation is authorized under this Act or under any other Act prescribed by regulation;
 - (b) the public lands are subject to a land use plan described in section 12.2 and the purpose for which the person wishes to occupy the lands is not consistent with the land use plan;
 - (c) the Minister has given notice under clause 28 (1) (a) in respect of the public lands and the purpose for which the person wishes to occupy the public lands is not consistent with the notice; or
 - (d) such circumstances or conditions as may be prescribed by the regulations exist.

Limitation on extent of occupation, etc.

- (6) The public lands that a person may occupy under this section are limited to,
 - (a) the lands on which the building, structure or thing referred to in subsection (1) is erected or placed; and
 - (b) any additional lands prescribed by regulation that are required for erecting or placing the building, structure or thing.

Duration of occupation, etc.

- (7) A person who occupies public lands under this section shall vacate the lands on or before the earlier of the following dates:
 1. The date prescribed by regulation.
 2. The date specified by the Minister in a notice given to the person under subsection (8).

Notice to vacate lands

- (8) The Minister may, at any time and for any reason, give a person who occupies public lands under this section notice to vacate the lands.

Duty to remove building, etc.

- (9) A person who is required to vacate public lands under subsection (7) shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the person was using on the public lands on or before the date on which the person is required to vacate the public lands.

How notice given, etc.

- (10) A notice to vacate public lands shall be given in the manner prescribed by regulation and shall meet such other requirements as may be prescribed by regulation.

Duty to comply with notice

- (11) A person occupying public lands under this section to whom a notice is given under subsection (8) shall comply with the notice.

Minister taking possession

(12) For greater certainty, a person who fails to vacate public lands in accordance with a notice given under subsection (8) or after the date prescribed by regulation is considered to be in possession or occupation of the public lands without lawful authority for the purposes of section 24.

Nature of occupancy, etc.

(13) A person who occupies public lands under this section does not, by virtue of such occupation, acquire any right, claim or title to the lands or any interest in the lands.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- (a) governing the occupation of public lands under this section, including the types or classes of buildings, structures or things that may be erected or placed on the public lands and the use of such buildings, structures or things;
- (b) respecting anything that this section requires, permits or authorizes to be prescribed by regulation or to be done by or in accordance with the regulations;
- (c) prescribing conditions or limitations relating to the occupation of public lands and the erection, placement or use of any building, structure or thing on the public lands;
- (d) respecting notices to vacate public lands, including the manner in which the notices shall be given;
- (e) respecting rules and requirements that apply to the vacating of public lands by a person who occupied the lands under this section, and requiring persons to comply with the rules and requirements;
- (f) establishing a registration system for persons occupying public lands under this section and requiring persons to register in accordance with the regulations;
- (g) respecting any transitional matters arising from the making of a regulation under this section;
- (h) exempting any person, building, structure or thing or public lands, or class thereof, from this section or any requirement in this section.

COMMENCEMENT**Commencement**

22 (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Same

(2) Subsections 4 (1) and (3) and section 17 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 15
MINISTRY OF NORTHERN DEVELOPMENT AND MINES

Ministry of Northern Development, Mines and Forestry Act

1 (1) Subsection 10 (1) of the *Ministry of Northern Development, Mines and Forestry Act* is amended by striking out the portion before clause (a) and substituting the following:

(1) The Minister may establish programs,

(2) Subsection 10 (2) of the Act is amended by striking out “grants and assistance” and substituting “grants, loans and other assistance”.

(3) Section 10 of the Act is amended by adding the following subsection:

Transition, programs established by Lieutenant Governor in Council

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, amend or cancel any program that was established by the Lieutenant Governor in Council on or before the day section 1 of Schedule 15 to the *Burden Reduction Act, 2017* comes into force.

Commencement

2 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 16
MINISTRY OF TOURISM, CULTURE AND SPORT

Ontario Place Corporation Act

1 The definition of “Minister” in section 1 of the *Ontario Place Corporation Act* is amended by striking out “Minister of Tourism and Recreation” and substituting “Minister of Tourism, Culture and Sport or such other member of the Executive Council to whom responsibility for the administration of the Act may be assigned or transferred under the *Executive Council Act*”.

2 Clause 8 (a) of the Act is repealed and the following substituted:

- (a) to operate Ontario Place for recreational, cultural, entertainment, educational, research, commercial, exhibition or public purposes;

3 (1) Clause 9 (1) (b) of the Act is repealed and the following substituted:

- (b) to develop, acquire, construct, operate, maintain and generally manage and provide,
 - (i) recreational, cultural, entertainment, educational, research, commercial, exhibition or public facilities,
 - (ii) activities, programs, restaurants, theatres or shops, and
 - (iii) any other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;

(2) Section 9 of the Act is amended by adding the following subsection:

Acquisition and disposal of land, etc.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) acquire land, buildings and structures, or any interest in land, buildings and structures, by purchase, lease or otherwise; and
- (b) dispose of land, buildings and structures, or any interest in land, buildings and structures, by sale, lease or otherwise.

Commencement

4 This Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

SCHEDULE 17
MINISTRY OF TRANSPORTATION
HIGHWAY TRAFFIC ACT

1 Clauses (c) and (d) of the definition of “power-assisted bicycle” in subsection 1 (1) of the *Highway Traffic Act* are repealed and the following substituted:

(c) is fitted at all times with pedals that are operable to propel the bicycle, and

(d) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals;

2 Clause 17 (3.1) (b) of the Act is amended by striking out “the *Motor Vehicle Transport Act, 1987 (Canada)*” and substituting “the *Motor Vehicle Transport Act (Canada)*”.

3 Subsection 17.0.2 (1) of the Act is amended by striking out “the *Motor Vehicle Transport Act, 1987 (Canada)*” at the end and substituting “the *Motor Vehicle Transport Act (Canada)*”.

4 Clause 46 (4) (d) of the Act is amended by striking out “a dishonoured cheque” and substituting “a dishonoured payment”.

5 Subsection 62 (14) of the Act is repealed and the following substituted:

Intermittent red light restricted

(14) Subject to subsections (14.1), (15) and (17.1), no person shall use a lamp, other than turning signal lamps or the vehicular hazard warning signal lamps commonly known as four way flashers, that produces intermittent flashes of red light.

6 The French version of subsection 79 (6) of the Act is amended by striking out “un destinataire” at the end and substituting “un consignataire”.

7 Subsections 82 (2) and (3) of the Act are repealed and the following substituted:

Examination of vehicle

(2) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any vehicle, other than a bicycle that is not a power-assisted bicycle, to stop, move the vehicle to a safe location as directed by the officer and submit the vehicle, together with its equipment and any vehicle drawn by it, to the examinations and tests that the officer may consider expedient.

Same

(3) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the owner of a vehicle, other than a bicycle that is not a power-assisted bicycle, and the operator of a commercial motor vehicle to submit the vehicle, together with its equipment and, in the case of a commercial motor vehicle, any vehicle drawn by it, to the examinations and tests that the officer may consider expedient.

8 The French version of subclause 109 (16) (f) (ii) of the Act is repealed and the following substituted:

(ii) les types d'autobus et de véhicules de tourisme et leur utilisation,

9 The Act is amended by adding the following section:

Over-dimensional vehicle escorts

Authority to direct traffic

110.5 (1) Where an over-dimensional vehicle escort, for the purposes of escorting a vehicle or combination of vehicles operating under a permit issued under section 110 or 110.1, considers it reasonably necessary,

(a) to ensure orderly movement of traffic;

(b) to prevent injury or damage to persons or property; or

(c) to permit proper action in an emergency,

he or she may direct traffic according to his or her discretion, despite the provisions of Part X, and every person shall obey his or her directions.

Authority to close highways

(2) For the purposes of subsection (1), an over-dimensional vehicle escort may close a highway or any part of a highway to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices, as prescribed in the regulations.

Driving on closed highway prohibited

(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part of a highway in intentional disobedience of the signs or traffic control devices.

Exception to subs. (3)

(4) Subsection (3) does not apply to,

- (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle or a police department vehicle;
- (b) a firefighter, as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, driving a motor vehicle other than one listed in clause (a) while performing his or her duties; or
- (c) an officer appointed for carrying out the provisions of this Act.

Conditions and limitations on authority to direct traffic and close highways

(5) The authority to direct traffic under subsection (1) and to close highways under subsection (2) may be subject to conditions and limitations,

- (a) prescribed by regulation;
- (b) set out in a permit issued under section 110 or section 110.1, as the case may be; or
- (c) imposed by the appointing authority that appointed the over-dimensional vehicle escort.

Same

(6) A limitation imposed under subsection (5) may provide that the over-dimensional vehicle escort has limited or, despite subsection (1) or (2), as the case may be, no authority to direct traffic or to close highways.

No Crown or road authority liability re closed highway

(7) Every person using a highway closed to traffic in accordance with this section does so at the person's own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic.

Appointment of over-dimensional vehicle escorts

(8) An appointing authority may appoint any person to be an over-dimensional vehicle escort and may impose conditions and limitations on any such appointment as described in subsections (5) and (6).

Regulations

(9) The Minister may make regulations,

- (a) designating appointing authorities for the purposes of this section;
- (b) governing the appointment of over-dimensional vehicle escorts, including prescribing eligibility requirements;
- (c) governing the identification of over-dimensional vehicle escorts and their vehicles, including prescribing any markings or signs to be displayed on their person and any markings, signs and lights to be displayed on their vehicles;
- (d) prescribing conditions and limitations on the authority of over-dimensional vehicle escorts to direct traffic or to close highways;
- (e) prescribing exemptions from any conditions or limitations imposed under clause (d) and prescribing conditions and circumstances for any such exemption;
- (f) providing for the posting of signs and the placing of traffic control devices on any highway or any type or class of highway for the purposes of this section, and prescribing the types of signs and traffic control devices.

Definitions

(10) In this section,

"appointing authority" means a person or entity designated by regulation made under clause (9) (a); ("autorité de nomination")

"over-dimensional vehicle escort" means a person appointed by an appointing authority to escort a vehicle or combination of vehicles operating under a permit issued under section 110 or 110.1. ("accompagnateur de véhicules de dimensions excessives")

10 (1) The French version of subsection 134.1 (1) of the Act is amended by striking out "son chargement" in the portion after clause (b) and substituting "sa cargaison".

(2) The French version of subsection 134.1 (2) of the Act is amended by striking out "son chargement" and substituting "sa cargaison".

(3) The French version of subsection 134.1 (4.1) of the Act is amended by striking out "son chargement" and substituting "sa cargaison".

(4) The French version of subsection 134.1 (4.3) of the Act is amended by striking out “son chargement” and substituting “sa cargaison”.

11 (1) Subsection 146.1 (2) of the Act is repealed and the following substituted:

Same – firefighters

(2) A firefighter on a roadway or adjacent to a roadway where an accident has occurred or while attending to any emergency situation may display a traffic control stop or slow sign.

(2) Subsection 146.1 (5) of the Act is repealed and the following substituted:

Unauthorized use of sign

(5) No person other than a traffic control person, a firefighter or an over-dimensional vehicle escort appointed under section 110.5 shall display on a highway a traffic control stop or slow sign.

12 (1) Subsection 166 (1) of the Act is repealed and the following substituted:

Passing street cars

Standing street car, etc.

(1) Where a person in charge of a vehicle or on horseback or leading a horse on a highway overtakes a street car or a car of an electric railway, operated in or near the centre of the roadway, which is stationary for the purpose of taking on or discharging passengers, he or she shall not pass the car or approach nearer than 2 metres measured back from the nearest door of the car that the person is approaching and through which passengers may get on or off until the passengers have got on or got safely to the side of the street, as the case may be, but this subsection does not apply where a safety zone has been set aside and designated by a by-law passed under section 9, 10 or 11 of the *Municipal Act, 2001* or under section 7 or 8 of the *City of Toronto Act, 2006*.

(2) Subsection 166 (2) of the Act is amended by striking out “No person in charge of a vehicle or on a bicycle or on horseback or leading a horse” at the beginning and substituting “No person in charge of a vehicle or on horseback or leading a horse”.

13 (1) Subsection 174 (1) of the Act is amended by adding “and” at the end of clause (c) and by repealing clauses (d) and (e) and substituting the following:

(d) when it is safe to do so, cross the railway track.

(2) Subsection 174 (2) of the Act is amended by adding “and” at the end of clause (c) and by repealing clauses (d) and (e) and substituting the following:

(d) when it is safe to do so, cross the railway track.

(3) Section 174 of the Act is amended by adding the following subsection

Public vehicle or school bus with manual transmission

(3) The driver of a public vehicle or school bus with manual transmission who is required by subsection (1) or (2) to stop at a railway crossing shall, when it is safe to do so,

(a) cross the railway track in a gear that will not need to be changed while crossing the track; and

(b) not change gears while crossing the railway track.

14 Subsection 202 (1) of the Act is repealed and the following substituted:

Reporting by various officials

Reports by police officers

(1) Every police officer having knowledge of a fatal accident in which a motor vehicle is involved shall secure the particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar.

15 Subsection 205.22 (1) of the Act is repealed and the following substituted:

Failure to appear at trial

(1) A defendant is deemed to not wish to dispute the charge where the defendant has been issued a notice of the time and place of trial and fails to appear at the time and place appointed for the trial.

16 Subsections 210 (1) and (1.1) of the Act are repealed and the following substituted:

Notice of conviction to Registrar

(1) A judge, provincial judge or justice of the peace who makes a conviction in respect of an offence listed in subsection (1.1) or the clerk of the court in which the conviction is made shall forthwith notify the Registrar of the conviction.

Applicable offences

(1.1) Subsection (1) applies in respect of the following offences:

1. An offence under this Act or under any regulation made under it.
2. An offence under any other Act of the Legislature or the Parliament of Canada or under any regulation or order made under such an Act committed by means of,
 - i. a motor vehicle or street car within the meaning of this Act,
 - ii. a vessel within the meaning of section 48, or
 - iii. a motorized snow vehicle.
3. An offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking.

JOBS FOR TODAY AND TOMORROW ACT (BUDGET MEASURES), 2016

17 (1) Subsections 5 (1) and (2) of Schedule 12 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* are repealed.

(2) This section applies only if subsections 5 (1) and (2) of Schedule 12 to the Act are not in force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

COMMENCEMENT**Commencement**

18 (1) Subject to subsection (2), this Schedule comes into force on the day the *Burden Reduction Act, 2017* receives Royal Assent.

Same

(2) Section 9 and subsection 11 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.

remettre un rapport écrit au registraire. À cet effet, il utilise les formules prescrites et fait parvenir ce rapport sans délai au registraire.

15 Le paragraphe 205.22 (1) du Code est abrogé et remplacé par ce qui suit :

Défaut de comparaitre au procès

(1) Le défendeur est réputé ne pas désirer contester l'accusation si un avis des date, heure et lieu de la tenue du procès lui a été délivré et qu'il ne comparait pas aux date, heure et lieu fixés pour le procès.

16 Les paragraphes 210 (1) et (1.1) du Code sont abrogés et remplacés par ce qui suit :

Avis de déclaration de culpabilité remis au registraire

(1) Le juge, le juge provincial ou le juge de paix qui prononce une déclaration de culpabilité à l'égard d'une infraction énumérée au paragraphe (1.1) ou le greffier du tribunal devant lequel la déclaration de culpabilité a été prononcée avise sans délai le registraire de la déclaration de culpabilité.

Infractions applicables

(1.1) Le paragraphe (1) s'applique à l'égard des infractions suivantes :

1. Une infraction prévue au présent code ou à un règlement pris sous son autorité.
2. Une infraction prévue à une autre loi de la Législature ou du Parlement du Canada ou à un règlement pris ou à une ordonnance rendue sous l'autorité d'une telle loi et commise au moyen, selon le cas :
 - i. d'un véhicule automobile ou d'un tramway au sens du présent code,
 - ii. d'un bateau au sens de l'article 48,
 - iii. d'une motoneige.
3. Une infraction prévue à un règlement municipal qui régit la circulation sur les voies publiques, sauf en ce qui concerne des déclarations de culpabilité pour des infractions relatives à l'immobilisation ou au stationnement.

LOI DE 2016 FAVORISANT LA CRÉATION D'EMPLOIS POUR AUJOURD'HUI ET DEMAIN (MESURES BUDGÉTAIRES)

17 (1) Les paragraphes 5 (1) et (2) de l'annexe 12 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires) sont abrogés.

(2) Le présent article s'applique seulement si les paragraphes 5 (1) et (2) de l'annexe 12 de la Loi ne sont pas en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

ENTRÉE EN VIGUEUR

Entrée en vigueur

18 (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Idem

(2) L'article 9 et le paragraphe 11 (2) entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

10 (1) La version française du paragraphe 134.1 (1) du Code est modifiée par remplacement de «son chargement» par «sa cargaison» dans le passage qui suit l'alinéa b).

(2) La version française du paragraphe 134.1 (2) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

(3) La version française du paragraphe 134.1 (4.1) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

(4) La version française du paragraphe 134.1 (4.3) du Code est modifiée par remplacement de «son chargement» par «sa cargaison».

Idem : pompiers

(2) Un pompier qui se trouve sur une chaussée ou près d'une chaussée où un accident s'est produit ou qui intervient dans un cas d'urgence peut faire usage d'un panneau d'arrêt ou de ralentissement de la circulation.

(2) Le paragraphe 146.1 (5) du Code est abrogé et remplacé par ce qui suit :

Utilisation non autorisée d'un panneau

(5) Nul, sauf un agent de régulation de la circulation, un pompier ou un accompagnateur de véhicules de dimensions excessives nommé en vertu de l'article 110.5, ne doit faire usage sur une voie publique d'un panneau d'arrêt ou de ralentissement de la circulation.

12 (1) Le paragraphe 166 (1) du Code est abrogé et remplacé par ce qui suit :

Dépassement des tramways

Tramway immobilisé

(1) Lorsqu'elle rattrape un tramway ou une voiture de chemin de fer électrique conduits au centre ou près du centre de la chaussée et immobilisés pour permettre aux passagers de monter à bord du tramway ou de la voiture ou d'en descendre, la personne qui a la charge d'un véhicule, qui circule à cheval ou qui mène un cheval sur une voie publique ne doit pas dépasser le tramway ou la voiture ou s'en approcher à moins de 2 mètres. Cette distance est calculée à partir de la porte du tramway ou de la voiture qui est la plus près de la personne s'approchant du tramway ou de la voiture et qui permet la montée ou la descente des passagers. Le dépassement n'est autorisé que lorsque les passagers sont montés à bord du tramway ou de la voiture ou se sont rendus en toute sécurité sur le côté de la rue, selon le cas. Cependant, le présent paragraphe ne s'applique pas lorsqu'il existe une zone protégée pour piétons désignée par règlement municipal adopté en vertu de l'article 9, 10 ou 11 de la Loi de 2001 sur les municipalités ou de l'article 7 ou 8 de la Loi de 2006 sur la cité de Toronto.

(2) Le paragraphe 166 (2) du Code est modifié par remplacement de «Nul ne doit, lorsqu'il a la charge d'un véhicule, circule à bicyclette, à cheval, ou mène un cheval» par «Nul ne doit, lorsqu'il a la charge d'un véhicule, circule à cheval ou mène un cheval» au début du paragraphe.

13 (1) Les alinéas 174 (1) d) et e) du Code sont abrogés et remplacés par ce qui suit :

d) lorsqu'il peut le faire en toute sécurité, il franchit la voie.

(2) Les alinéas 174 (2) d) et e) du Code sont abrogés et remplacés par ce qui suit :

d) lorsqu'il peut le faire en toute sécurité, il franchit la voie.

(3) L'article 174 du Code est modifié par adjonction du paragraphe suivant :

Véhicules de transport en commun ou autobus scolaires à transmission manuelle

(3) Le conducteur d'un véhicule de transport en commun ou d'un autobus scolaire à transmission manuelle qui est tenu, en application du paragraphe (1) ou (2), de s'arrêter à un passage à niveau fait ce qui suit, lorsqu'il peut le faire en toute sécurité :

a) il franchit la voie avec son véhicule embrayé de façon à n'avoir pas besoin de changer de vitesse pendant qu'il traverse la voie;

b) il ne change pas de vitesse pendant qu'il traverse la voie.

14 Le paragraphe 202 (1) du Code est abrogé et remplacé par ce qui suit :

Rapports établis par une personne ou un organisme

Rapports établis par des agents de police

(1) L'agent de police ayant connaissance d'un accident mortel dans lequel un véhicule automobile est impliqué obtient les détails concernant cet accident, les personnes impliquées et les autres renseignements éventuellement nécessaires pour

(3) Si des panneaux ou des dispositifs de signalisation ont été placés en application du paragraphe (2), nul ne doit conduire ni utiliser un véhicule sur une voie publique ou section de voie publique fermée à la circulation par désobéissance intentionnelle aux indications de ces panneaux ou dispositifs.

Exception au par. (3)

(4) Le paragraphe (3) ne s'applique pas aux personnes suivantes :

- a) le conducteur d'un véhicule de la voirie, d'une ambulance, d'un véhicule de pompiers, d'un véhicule de secours des services publics ou d'un véhicule de police;
- b) le pompier, au sens du paragraphe 1 (1) de la Loi de 1997 sur la prévention et la protection contre l'incendie, qui conduit un véhicule automobile autre qu'un véhicule visé à l'alinéa a) dans l'exercice de ses fonctions;
- c) l'agent chargé de faire appliquer les dispositions du présent code.

Conditions et restrictions : pouvoirs de diriger la circulation et de fermer une voie publique

(5) Le pouvoir de diriger la circulation, prévu au paragraphe (1), et celui de fermer une voie publique, prévu au paragraphe (2), peuvent être assujettis à des conditions et à des restrictions :

- a) prescrites par des règlements;
- b) énoncées dans une autorisation accordée en vertu de l'article 110 ou 110.1, selon le cas;
- c) imposées par l'autorité de nomination ayant nommé l'accompagnateur de véhicules de dimensions excessives.

Idem

(6) Une restriction imposée en vertu du paragraphe (5) peut prévoir que l'accompagnateur de véhicules de dimensions excessives a un pouvoir limité ou, malgré le paragraphe (1) ou (2), selon le cas, aucun pouvoir pour ce qui est de diriger la circulation ou de fermer une voie publique.

Responsabilité non attribuable à la Couronne ni à un office de la voirie : voie publique fermée

(7) Quiconque circule sur une voie publique fermée à la circulation conformément au présent article le fait à ses propres risques. Ni la Couronne ni l'office de la voirie exerçant sa compétence et son contrôle sur cette voie publique ne sont responsables des dommages que subit la personne qui utilise une voie publique ainsi fermée à la circulation.

Nomination d'accompagnateurs de véhicules de dimensions excessives

(8) Une autorité de nomination peut nommer une personne à titre d'accompagnateur de véhicules de dimensions excessives et assujettir cette nomination aux conditions et aux restrictions visées aux paragraphes (5) et (6).

Règlements

(9) Le ministre peut, par règlement :

- a) désigner des autorités de nomination pour l'application du présent article;
- b) régir la nomination des accompagnateurs de véhicules de dimensions excessives, notamment en prescrivant les conditions d'admissibilité;
- c) régir l'identification des accompagnateurs de véhicules de dimensions excessives et de leurs véhicules, notamment en prescrivant les marques ou mentions qui doivent figurer sur leur personne et les marques, panneaux et feux dont doivent être munis leurs véhicules;
- d) prescrire les conditions et les restrictions applicables aux pouvoirs des accompagnateurs de véhicules de dimensions excessives pour ce qui est de diriger la circulation ou de fermer une voie publique;
- e) prescrire des exemptions en ce qui concerne les conditions et les restrictions imposées en vertu de l'alinéa d) ainsi que les conditions et les circonstances de ces exemptions;
- f) prévoir la mise en place de panneaux et de dispositifs de signalisation sur une voie publique ou un type ou une catégorie de voies publiques pour l'application du présent article, et prescrire le type de ces panneaux et dispositifs.

Définitions

(10) Les définitions qui suivent s'appliquent au présent article.

«accompagnateur de véhicules de dimensions excessives» Personne nommée par une autorité de nomination pour accompagner un véhicule ou un ensemble de véhicules utilisé conformément à une autorisation accordée en vertu de l'article 110 ou 110.1. («over-dimensional vehicle escort»)

«autorité de nomination» Personne ou entité désignée par un règlement pris en vertu de l'alinéa (9) a). («appointing authority»)

ANNEXE 17
MINISTÈRE DES TRANSPORTS
CODE DE LA ROUTE

1 Les alinéas c) et d) de la définition de «bicyclette assistée» au paragraphe 1 (1) du Code de la route sont abrogés et remplacés par ce qui suit :

- c) est munie en tout temps de pédales qui peuvent être actionnées pour mouvoir la bicyclette;
- d) peut en tout temps être propulsée sur une surface plane au moyen de pédales actionnées uniquement par la force musculaire;

2 L'alinéa 17 (3.1) b) du Code est modifié par remplacement de «la Loi de 1987 sur les transports routiers (Canada)» par «la Loi sur les transports routiers (Canada)».

3 Le paragraphe 17.0.2 (1) du Code est modifié par remplacement de «la Loi de 1987 sur les transports routiers (Canada)» par «la Loi sur les transports routiers (Canada)» à la fin du paragraphe.

4 L'alinéa 46 (4) d) du Code est modifié par remplacement de «d'un chèque impayé» par «d'un paiement refusé».

5 Le paragraphe 62 (14) du Code est abrogé et remplacé par ce qui suit :

Usage restreint du feu rouge clignotant

(14) Sous réserve des paragraphes (14.1), (15) et (17.1), nul ne doit utiliser un feu rouge clignotant à lumière intermittente autre que l'indicateur de changement de direction ou le feu de détresse.

6 La version française du paragraphe 79 (6) du Code est modifiée par remplacement de «un destinataire» par «un consignataire» à la fin du paragraphe.

7 Les paragraphes 82 (2) et (3) du Code sont abrogés et remplacés par ce qui suit :

Examen du véhicule

(2) Un agent de police et un agent chargé d'appliquer les dispositions du présent code peuvent exiger du conducteur d'un véhicule, autre qu'une bicyclette qui n'est pas une bicyclette assistée, qu'il s'arrête, déplace le véhicule à un endroit sûr là où l'ordonne l'agent, et présente le véhicule, ainsi que son équipement et tout véhicule qu'il tracte, aux examens et aux vérifications que l'agent peut juger opportuns.

Idem

(3) Un agent de police et un agent chargé d'appliquer les dispositions du présent code peuvent exiger du propriétaire d'un véhicule, autre qu'une bicyclette qui n'est pas une bicyclette assistée, et de l'utilisateur d'un véhicule utilitaire qu'ils présentent le véhicule, ainsi que son équipement et, dans le cas d'un véhicule utilitaire, tout véhicule tracté par ce dernier, aux examens et aux vérifications que l'agent peut juger opportuns.

8 La version française du sous-alinéa 109 (16) f) (ii) du Code est abrogée et remplacée par ce qui suit :

(ii) Les types d'autobus et de véhicules de tourisme et leur utilisation,

9 Le Code est modifié par adjonction de l'article suivant :

Accompagnateur de véhicules de dimensions excessives

Pouvoir de diriger la circulation

110.5 (1) Si, afin d'accompagner un véhicule ou un ensemble de véhicules utilisés conformément à une autorisation accordée en vertu de l'article 110 ou 110.1, l'accompagnateur de véhicules de dimensions excessives l'estime raisonnablement nécessaire pour, selon le cas :

a) assurer le bon ordre de la circulation;

b) empêcher que des lésions corporelles ou des dommages ne soient causés à des personnes ou à des biens;

c) autoriser les mesures qui s'imposent dans un cas d'urgence,

il peut diriger la circulation selon son jugement, malgré les dispositions de la partie X, et quiconque est tenu de suivre ses directives.

Pouvoir de fermer une voie publique

(2) Pour l'application du paragraphe (1), l'accompagnateur de véhicules de dimensions excessives peut fermer une voie publique ou section de voie publique aux véhicules en plaçant ou en faisant placer des panneaux à cet effet ou des dispositifs de signalisation, comme le prescrivent les règlements.

Interdiction de conduire sur une voie publique fermée

ANNEXE 16 MINISTÈRE DU TOURISME, DE LA CULTURE ET DU SPORT

Loi sur la Société d'exploitation de la Place de l'Ontario

1 La définition de «ministre» à l'article 1 de la *Loi sur la Société d'exploitation de la Place de l'Ontario* est modifiée par remplacement de «Le ministre du Tourisme et des Loisirs» par «Le ministre du Tourisme, de la Culture et du Sport ou l'autre membre du Conseil exécutif à qui la responsabilité de l'application de la présente loi peut être assignée ou transférée en vertu de la *Loi sur le Conseil exécutif*».

2 L'alinéa 8 a) de la Loi est abrogé et remplacé par ce qui suit :

a) d'exploiter la Place de l'Ontario à des fins récréatives, culturelles, éducatives ou commerciales, à des fins de divertissement, de recherche ou d'exposition ou à des fins publiques;

3 (1) L'alinéa 9 (1) b) de la Loi est abrogé et remplacé par ce qui suit :

b) développer, acquérir, construire, exploiter, entretenir, et, de façon générale, gérer et fournir :

(i) des installations conçues à des fins récréatives, culturelles, éducatives ou commerciales, à des fins de divertissement, de recherche ou d'exposition ou à des fins publiques,

(ii) des activités, des programmes, des restaurants, des théâtres ou des boutiques,

(iii) d'autres installations ou commodités accessoires ou nécessaires afin d'entretenir et d'exploiter convenablement la Place de l'Ontario;

(2) L'article 9 de la Loi est modifié par adjonction du paragraphe suivant :

Acquisition et aliénation de biens-fonds et autres

(3) Sous réserve de l'approbation du lieutenant-gouverneur en conseil, la Société peut :

a) acquérir, notamment par achat ou location, des biens-fonds, des bâtiments et des constructions ou des intérêts sur des biens-fonds, des bâtiments ou des constructions;

b) aliéner, notamment par vente ou location, des biens-fonds, des bâtiments ou des constructions ou des intérêts sur des biens-fonds, des bâtiments ou des constructions.

Entrée en vigueur

4 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

ANNEXE 15
MINISTÈRE DU DÉVELOPPEMENT DU NORD ET DES MINES

Loi sur le ministère du Développement du Nord, des Mines et des Forêts

- 1 (1) Le paragraphe 10 (1) de la Loi sur le ministère du Développement du Nord, des Mines et des Forêts est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :
- (1) Le ministre peut mettre sur pied des programmes qui, à la fois :

- (2) Le paragraphe 10 (2) de la Loi est modifié par remplacement de «des subventions et de l'aide» par «des subventions, des prêts et d'autres formes d'aide».

- (3) L'article 10 de la Loi est modifié par adjonction du paragraphe suivant :

Disposition transitoire : programmes mis sur pied par le lieutenant-gouverneur en conseil

- (3) Sur la recommandation du ministre, le lieutenant-gouverneur en conseil peut, par décret, modifier ou annuler tout programme qu'il a mis sur pied le jour de l'entrée en vigueur de l'article 1 de l'annexe 15 de la Loi de 2017 sur l'allègement du fardeau réglementaire ou avant ce jour.

Entrée en vigueur

- 2 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Mode de remise de l'avis

(10) L'avis ordonnant de quitter les terres publiques est donné de la manière prescrite par règlement et satisfait aux autres exigences prescrites par règlement.

Obligation de se conformer à l'avis

(11) La personne qui occupe des terres publiques en vertu du présent article et à qui un avis est donné en vertu du paragraphe (8) doit s'y conformer.

Prise de possession par le ministre

(12) Il est entendu que la personne qui ne quitte pas des terres publiques conformément à un avis donné en vertu du paragraphe (8) ou après la date prescrite par règlement est considérée comme possédant ou occupant illégalement les terres publiques pour l'application de l'article 24.

Nature de l'occupation

(13) La personne qui occupe des terres publiques en vertu du présent article n'acquiert aucun droit, titre, intérêt ou droit de réclamation sur ces terres du fait de cette occupation.

Règlements

(14) Le lieutenant-gouverneur en conseil peut, par règlement :

- a) régir l'occupation de terres publiques en vertu du présent article, y compris les types ou catégories de bâtiments, de structures ou d'objets qui peuvent y être construits ou placés ainsi que l'utilisation de ces bâtiments, structures ou objets;
- b) traiter de tout ce que le présent article exige ou permet de prescrire par règlement ou qu'il autorise à prescrire ou à faire par règlement ou à faire conformément aux règlements;
- c) prescrire les conditions ou les restrictions relatives à l'occupation de terres publiques et à la construction, au placement ou à l'utilisation de bâtiments, de structures ou d'objets sur des terres publiques;
- d) traiter des avis ordonnant de quitter les terres publiques, y compris la manière de les donner;
- e) traiter des règles et exigences qui s'appliquent lorsqu'une personne qui occupait des terres publiques en vertu du présent article les quitte, et exiger des personnes qu'elles se conforment à ces règles et exigences;
- f) établir un système d'inscription pour les personnes occupant des terres publiques en vertu du présent article et exiger de ces personnes qu'elles s'inscrivent conformément aux règlements;
- g) traiter des questions transitoires découlant de la prise des règlements en vertu du présent article;
- h) soustraire une personne, un bâtiment, une structure, un objet ou des terres publiques, ou une catégorie de personnes, de bâtiments, de structures, d'objets ou de terres publiques, à l'application ou aux exigences du présent article.

ENTRÉE EN VIGUEUR**Entrée en vigueur**

22 (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Idem

(2) Les paragraphes 4 (1) et (3) et l'article 17 entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Occupation à certaines fins

21.1 (1) Sous réserve des paragraphes (5), (6), (7), (8), (9) et (11) et des règlements, une personne est autorisée en vertu du présent article à occuper des terres publiques à l'une des fins suivantes ou aux deux :

1. Construire sur les terres publiques ou y placer un bâtiment, une structure ou un objet qui est d'un type ou d'une catégorie prescrit par règlement ou qui est conforme aux caractéristiques prescrites par règlement.
2. Utiliser un bâtiment, une structure ou un objet, situé sur les terres publiques, qui est d'un type ou d'une catégorie prescrit par règlement ou qui est conforme aux caractéristiques prescrites par règlement, qu'il y ait été construit ou placé par cette personne ou par une autre personne.

Aucun acte requis

(2) Il est entendu que la personne autorisée à occuper des terres publiques en vertu du présent article n'est pas tenue de faire ce qui suit :

- a) obtenir un bail, un permis ou tout autre acte prévu par la présente loi afin d'occuper les terres publiques;
- b) obtenir le consentement écrit du ministre ou de l'agent que ce dernier a habilité en vertu de l'article 27 à l'égard d'activités liées à la construction ou au placement d'un bâtiment, d'une structure ou d'un objet sur les terres publiques.

Règlements : personnes autorisées

(3) Un règlement peut prévoir qu'une personne n'est autorisée à occuper des terres publiques en vertu du présent article que si elle répond aux critères prescrits par règlement.

Règlements : terres publiques

(4) Si, pour l'application du présent article, un règlement prescrit un type ou une catégorie de bâtiments, de structures ou d'objets qui est destiné à flotter sur l'eau ou à être suspendu au-dessus d'un bien-fonds, le présent article s'applique à l'occupation de terres publiques au-dessus desquelles le bâtiment, la structure ou l'objet flotte ou est suspendu comme si le bâtiment, la structure ou l'objet avait été construit ou placé sur ces terres.

Exclusion de certaines terres publiques

(5) Le présent article ne s'applique pas aux terres publiques si, selon le cas :

- a) elles sont en la possession d'une autre personne ou sont occupées par celle-ci et que cette possession ou cette occupation est autorisée en vertu de la présente loi ou de toute autre loi prescrite par règlement;
- b) elles font l'objet d'un plan d'aménagement du territoire visé à l'article 12.2 et la fin à laquelle la personne souhaite occuper les terres publiques est incompatible avec ce plan;
- c) le ministre a donné un avis en vertu de l'alinéa 28 (1) a) à l'égard des terres publiques et la fin à laquelle la personne souhaite occuper les terres publiques est incompatible avec cet avis;
- d) les circonstances ou les conditions prescrites par règlement sont réunies.

Restriction relative à la portée de l'occupation

(6) Les terres publiques qu'une personne peut occuper en vertu du présent article se limitent :

- a) aux terres sur lesquelles le bâtiment, la structure ou l'objet visé au paragraphe (1) est construit ou placé;
- b) aux terres additionnelles prescrites par règlement qui sont nécessaires à la construction ou au placement du bâtiment, de la structure ou de l'objet.

Durée de l'occupation

(7) La personne qui occupe des terres publiques en vertu du présent article doit les quitter au plus tard à la première des dates suivantes :

1. La date prescrite par règlement.

2. La date précisée par le ministre dans un avis donné à la personne en vertu du paragraphe (8).

Avis ordonnant de quitter les terres

(8) Le ministre peut, à tout moment et pour quelque motif que ce soit, donner à une personne qui occupe des terres publiques en vertu du présent article un avis lui ordonnant de les quitter.

Obligation d'enlever le bâtiment

(9) La personne qui est tenue de quitter des terres publiques en application du paragraphe (7) doit, à ses frais, enlever de celles-ci tout bâtiment, structure, ou objet qu'elle a construit ou qu'elle utilisait sur les terres publiques ou qu'elle y a placé au plus tard à la date à laquelle elle est tenue de les quitter.

- b) s'il est signifié par courrier, le cinquième jour qui suit la date de mise à la poste, à moins que le destinataire ne démontre que, agissant de bonne foi, il n'a reçu l'avis qu'à une date ultérieure pour des raisons indépendantes de sa volonté, notamment son absence, un accident ou une maladie;
- c) s'il est signifié par un mode prescrit par les règlements, le jour prescrit par ceux-ci.

11 Le paragraphe 77 (2) de la Loi est abrogé et remplacé par ce qui suit :

Désignation d'un agent enquêteur

- (2) S'il reçoit une demande d'audience conformément au paragraphe (1), le ministre désigne une personne comme agent enquêteur pour tenir l'audience.

12 La disposition 4 du paragraphe 87 (2) de la Loi est modifiée par remplacement de «la Loi sur les parcs nationaux (Canada)» par «la Loi sur les parcs nationaux du Canada».

13 L'alinéa 104 (1) c) de la Loi est abrogé et remplacé par ce qui suit :

- c) avant de demander un permis de chasse, la personne doit satisfaire aux conditions suivantes :

- (i) terminer avec succès tout cours de formation des chasseurs prescrit par les règlements pour le permis et satisfaire à toute autre exigence en matière de formation prescrite par les règlements pour le permis,
- (ii) réussir tout examen que les règlements exigent pour le permis.

14 (1) L'article 112 de la Loi est modifié par adjonction de la disposition suivante :

- 4.0.1 prescrire, à l'égard de tout animal sauvage visé au sous-alinéa 6 (2) b) (i), (ii), (iii) ou (iv), une période pendant laquelle le titulaire d'un permis de piégeage des mammifères a l'obligation de chasser l'animal sauvage dans la mesure où la saison de chasse tombe dans cette période;

(2) La disposition 20 de l'article 112 de la Loi est abrogée et remplacée par ce qui suit:

20. prescrire les animaux sauvages qui peuvent être harcelés, capturés ou tués aux fins de protection des biens en vertu de l'alinéa 31 (3) b);

(3) L'article 112 de la Loi est modifié par adjonction des dispositions suivantes :

- 20.1 prescrire les circonstances dans lesquelles les animaux sauvages visés à l'alinéa 31 (3) b) peuvent être harcelés, capturés ou tués aux fins de protection des biens en vertu de cet alinéa;

- 49.1 prescrire des modes de signification d'un avis pour l'application de l'alinéa 76 (1) c) et prescrire les règles ayant trait à l'utilisation de ces modes, y compris prescrire, pour l'application de l'alinéa 76 (2) c), le jour où un avis signifié par un mode prescrit est réputé avoir été signifié;

15 L'article 113 de la Loi est modifié par adjonction du paragraphe suivant :

Idem

- (2.1) Il est entendu que le paragraphe (2) comprend les règlements visés aux dispositions 2, 3 et 4 du paragraphe (1), malgré les exclusions énoncées aux sous-dispositions 4 i, ii et iii de l'article 112.

16 La Loi est modifiée par adjonction de l'article suivant :

Modification des documents adoptés

- 114.1 Les règlements pris en vertu de la présente loi qui adoptent un document par renvoi peuvent l'adopter dans ses versions successives postérieures à la prise des règlements.

17 Les annexes 1 à 11 de la Loi sont abrogées.

LOI SUR L'AMÉNAGEMENT DES LACS ET DES RIVIÈRES

- 18 Le paragraphe 5 (2) de la Loi sur l'aménagement des lacs et des rivières est modifié par remplacement de «la Loi sur l'arbitrage» par «la Loi de 1991 sur l'arbitrage».

- 19 L'alinéa 14 (3) a) de la Loi est modifié par remplacement de «trois copies des plans et devis» par «le nombre de copies des plans et devis qu'exige le ministre, jusqu'à concurrence de trois copies, les plans et devis» au début de l'alinéa.

- 20 La version française de l'alinéa 23.1 (1) a) de la Loi est modifiée par insertion de «ou proposés» à la fin de l'alinéa.

LOI SUR LES TERRES PUBLIQUES

- 21 La Loi sur les terres publiques est modifiée par adjonction de l'article suivant :

(5) L'alinéa 1 (7) c) de la Loi est modifié par remplacement de «l'alinéa b) ne s'applique pas» par «les alinéas b) et b.1) ne s'appliquent pas».

(6) L'alinéa 1 (7) d) de la Loi est modifié par remplacement de «les alinéas a), b) et c)» par «les alinéas a), b), b.1) et c)».

5 Le paragraphe 6 (2) de la Loi est abrogé et remplacé par ce qui suit :

Trappeurs

(2) Malgré l'exigence relative à un permis prévu au paragraphe (1) mais sous réserve de l'article 9 et de toute exigence relative à un permis prévu à l'article 79, le titulaire d'un permis de piégeage des mammifères à fourrure peut, conformément aux permis et sans avoir d'autre permis, dans la zone visée par le permis :

a) dans la mesure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante, piéger l'ours noir et d'autres mammifères gibier, autres que le cerf de Virginie, l'orignal, le caribou des bois ou le cerf wapiti;

b) dans la mesure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante ou dans toute période supplémentaire prescrite par les règlements, chasser :

- (i) l'ours noir et d'autres mammifères gibier, autres que le cerf de Virginie, l'orignal, le caribou des bois ou le cerf wapiti,
- (ii) le gibier à plume, autre que le dindon sauvage,
- (iii) les oiseaux visés au paragraphe 5 (2),
- (iv) les animaux sauvages visés à l'alinéa (1) h).

6 (1) Le paragraphe 16 (1) de la Loi est modifié par remplacement de «de chasser ou de tendre des pièges» par «de chasser, de tendre des pièges ou de pêcher».

(2) Le paragraphe 16 (2) de la Loi est modifié par remplacement de «de chasser ou de tendre des pièges» par «de chasser, de tendre des pièges ou de pêcher».

7 Le paragraphe 17 (3) de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

(3) Malgré l'alinéa (1) a), la personne dont la mobilité est diminuée de la manière que prescrivent les règlements peut avoir une arme à feu chargée à bord d'un véhicule ou d'un bateau à moteur stationnaires ou la décharger à partir d'un véhicule ou d'un bateau à moteur stationnaires dans une zone visée au paragraphe (1), si elle le fait :

8 L'alinéa 31 (3) b) de la Loi est modifié par insertion de «ou dans les circonstances que prescrivent les règlements» à la fin de l'alinéa.

9 La Loi est modifiée par adjonction de l'article suivant :

Refus de délivrer un permis : défaut de paiement d'une amende

72.1 (1) Le ministre peut refuser de délivrer tout permis visé par la présente loi ou tout élément de celui-ci à la personne qui n'a pas payé une amende imposée relativement à une infraction visée à la présente loi ou à la *Loi sur les pêches* (Canada) tant que l'amende n'est pas acquittée.

Paiement intégral de l'amende

(2) À la demande du ministre, la personne en défaut de paiement fournit une preuve du paiement intégral de l'amende impayée.

10 L'article 76 de la Loi est abrogé et remplacé par ce qui suit :

Signification d'un avis

76 (1) Un avis signifie par le ministre aux termes de l'article 72, 73, 74 ou 75 est signifié :

a) soit à personne;

b) soit par courrier à la dernière adresse connue du destinataire;

c) soit par tout autre mode prescrit par les règlements.

Avis réputé avoir été signifié

(2) Un avis est réputé avoir été signifié :

a) s'il est signifié à personne, le jour de la signification;

ANNEXE 14
MINISTÈRE DES RICHESSES NATURELLES ET DES FORÊTS
LOI DE 1994 SUR LA DURABILITÉ DES FORÊTS DE LA COURONNE

1 (1) Le paragraphe 27 (2) de la Loi de 1994 sur la durabilité des forêts de la Couronne est modifié par remplacement de «cinq ans» par «10 ans» à la fin du paragraphe.

(2) Le paragraphe 27 (4) de la Loi est modifié par remplacement de «pour une durée d'un an» par «pour une durée maximale de deux ans».

2 L'article 68 de la Loi est modifié par adjonction du paragraphe suivant :

Incorporation continue par renvoi

(11) Si un manuel rédigé en vertu du présent article adopte tout ou partie d'un document par renvoi, le document peut être adopté dans ses versions successives.

3 L'article 69 de la Loi est modifié par adjonction du paragraphe suivant :

Incorporation continue par renvoi

(4) Si un règlement pris en vertu du présent article adopte tout ou partie d'un document par renvoi, le document peut être adopté dans ses versions successives.

LOI DE 1997 SUR LA PROTECTION DU POISSON ET DE LA FAUNE

4 (1) Les définitions de «amphibien gibier», de «gibier à plume», de «mammifère à fourrure», de «mammifère gibier» et de «reptile gibier» au paragraphe 1 (1) de la Loi de 1997 sur la protection du poisson et de la faune sont abrogées et remplacées par ce qui suit :

«amphibien gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce d'amphibiens gibier. («game amphibian»)

«gibier à plume» Membre d'une espèce prescrite par les règlements comme étant une espèce de gibier à plume. («game bird»)

«mammifère à fourrure» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères à fourrure. («furbearing mammal»)

«mammifère gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères gibier. («game mammal»)

«reptile gibier» Membre d'une espèce prescrite par les règlements comme étant une espèce de reptiles gibier. («game reptile»)

(2) La définition de «règlements de la pêche en Ontario» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «Règlement de pêche de l'Ontario de 1989» par «Règlement de pêche de l'Ontario (2007)».

(3) Les définitions de «amphibien spécialement protégé», de «invertébré spécialement protégé», de «mammifère spécialement protégé», de «oiseau spécialement protégé», de «rapace spécialement protégé» et de «reptile spécialement protégé» au paragraphe 1 (1) de la Loi sont abrogées et remplacées par ce qui suit :

«amphibien spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce d'amphibiens spécialement protégés. («specially protected amphibian»)

«invertébré spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce d'invertébrés spécialement protégés. («specially protected invertebrate»)

«mammifère spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de mammifères spécialement protégés. («specially protected mammal»)

«oiseau spécialement protégé» Rapace spécialement protégé ou membre d'une espèce prescrite par les règlements comme étant une espèce d'oiseaux spécialement protégés. («specially protected bird»)

«rapace spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de rapaces spécialement protégés. («specially protected raptor»)

«reptile spécialement protégé» Membre d'une espèce prescrite par les règlements comme étant une espèce de reptiles spécialement protégés. («specially protected reptile»)

(4) Le paragraphe 1 (7) de la Loi est modifié par adjonction de l'alinéa suivant :

b.1) dans le cas d'un fusil à allumage électronique qui se charge par la bouche, il y a une charge de poudre et un projectile dans le baril et une batterie branchée à l'amorce ou à la charge;

ANNEXE 13

MINISTÈRE DU TRAVAIL

LOI DE 2015 SUR LA PROTECTION DES ENFANTS ARTISTES

1 Le paragraphe 6 (4) de la Loi de 2015 sur la protection des enfants artistes est abrogé et remplacé par ce qui suit :

Dépenses pour déplacement de plus de 24 heures

(4) Si le paragraphe (3) s'applique et que l'employeur ne prend pas de dispositions pour fournir, ou ne fournit pas lui-même, à ses frais, le déplacement, l'hébergement ou les repas, l'employeur prend en charge, jusqu'à hauteur du montant maximal prescrit, les dépenses du père, de la mère ou du tuteur légal liées aux frais de déplacement, d'hébergement ou de repas, selon le cas.

2 (1) Le paragraphe 11 (1) de la Loi est abrogé et remplacé par ce qui suit :

Heures de travail

(1) Aucun employeur ne doit exiger ou permettre qu'un enfant artiste travaille plus de huit heures au cours d'une journée.

(2) Le paragraphe 11 (6) de la Loi est abrogé et remplacé par ce qui suit :

Repas et tuteurat

(6) Aux fins de calcul du nombre d'heures de travail en application du présent article, les pauses-repas sont exclues, et les pauses et les périodes de tuteurat sont incluses.

3 L'article 12 de la Loi est modifié par insertion de « de travail » après « lui soit accordée une pause » partout où figurent ces mots.

4 L'article 13 de la Loi est abrogé et remplacé par ce qui suit :

Interdiction des postes fractionnés et règles relatives aux pauses-repas

13 L'employeur :

a) ne doit pas exiger ou permettre que l'enfant artiste fasse des postes fractionnés;

b) veille à ce que l'enfant artiste ne travaille pas plus de cinq heures de travail consécutives sans pause-repas;

c) veille à ce que les pauses-repas de l'enfant artiste durent au moins 30 minutes;

d) veille à ce que, si elles ne sont pas payées, les pauses-repas de l'enfant artiste ne dépassent pas une heure chacune.

5 Le paragraphe 14 (2) de la Loi est modifié par remplacement de « 16 ans » par « trois ans ».

LOI DE 2013 SUR LES PROFESSIONNELS EN RESSOURCES HUMAINES INSCRITS

6 La Loi de 2013 sur les professionnels en ressources humaines inscrits est modifiée par adjonction de l'article suivant :

Enquêtes en milieu de travail

14.1 Tout membre en règle de l'Association est autorisé à mener, contre rémunération, des enquêtes en milieu de travail afin de fournir des renseignements, et l'article 2 du Règlement de l'Ontario 435/07 pris en vertu de la Loi de 2005 sur les services privés de sécurité et d'enquête s'applique.

ENTRÉE EN VIGUEUR

7 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

LOI DE 2012 SUR UNE ACTION ÉNERGIQUE POUR L'ONTARIO (MESURES BUDGÉTAIRES)

10 (1) Les paragraphes 27 (2) et (3) de l'annexe 28 de la Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires) sont abrogés.

(2) L'article 41 de l'annexe 28 de la Loi est abrogé.

ENTRÉE EN VIGUEUR

Entrée en vigueur

11 (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Idem

(2) Les paragraphes 1 (6), (7) et (8) entrent en vigueur le jour qui tombe un an après le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

(7) Le paragraphe (6) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires) n'entre pas en vigueur avant le jour de l'entrée en vigueur du

paragraphe (6).

(8) L'alinéa 61 (2) a) de la Loi, tel qu'il est révisé par le paragraphe (6), est abrogé et remplacé par ce qui suit :

a) céder ou grever une part déterminée du bien-fonds ou céder une part de la charge, selon le cas, en fournissant au directeur la preuve de la proportion dont il est propriétaire de la façon que précise le directeur;

(9) Le paragraphe (8) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires) entre en vigueur au plus tard le jour de l'entrée en vigueur du paragraphe (8).

LOI SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE

6 (1) L'alinéa 17 (1) a) de la Loi sur l'accès à l'information municipale et la protection de la vie privée est abrogé et remplacé par ce qui suit :

a) s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document et précise que la demande est présentée en vertu de la présente loi;

(2) L'alinéa 37 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

a) en fait la demande par écrit à l'institution qui, à son avis, a la garde ou le contrôle de ces renseignements et précise que la demande est présentée en vertu de la présente loi;

LOI SUR LES SÛRETES MOBILIÈRES

7 (1) La version française du paragraphe 41 (2) de la Loi sur les sûretés mobilières est modifiée par remplacement de «ville de Toronto» par «cité de Toronto».

(2) L'article 46 de la Loi est modifié par adjonction des paragraphes suivants :

Copie non requise

(6.1) Une copie de l'état de vérification n'est pas requise si le débiteur a renoncé par écrit au droit de recevoir une copie.

Idem

(6.2) Le paragraphe (6.1) s'applique si l'état de financement ou l'état de modification du financement auquel l'état de vérification se rapporte est enregistré le jour de l'entrée en vigueur du paragraphe 7 (2) de la Loi de 2017 sur l'allègement du fardeau réglementaire ou par la suite.

LOI DE 2000 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

8 (1) Le paragraphe 22 (1) de la Loi de 2000 sur les normes techniques et la sécurité est abrogé et remplacé par ce qui suit :

Appel

(1) Toute personne visée par un ordre donné en vertu de l'alinéa 21 (1) a), par l'apposition de scellés en vertu du paragraphe 18 (4) ou de l'alinéa 21 (1) b) ou par l'exigence de payer les frais imposée en application de l'alinéa 19 (1) b) peut interjeter appel devant un directeur dans les 90 jours qui suivent la signification de l'ordre, l'apposition des scellés ou le moment où elle est tenue de payer les frais, selon le cas.

(2) L'alinéa 34 (1) a) de la Loi est modifié par insertion de « , à l'exception d'une question ou chose mentionnée comme étant prescrite à l'alinéa 35.1 (2) a) » à la fin de l'alinéa.

(3) Les paragraphes 34 (2) et (3) de la Loi sont abrogés.

(4) Les paragraphes 35.1 (2) et (3) de la Loi sont abrogés et remplacés par ce qui suit :

Idem : assurance

(2) Le ministre peut, par règlement :

a) exiger que toute personne assujettie à la présente loi ou aux règlements souscritive et maintienne en vigueur une assurance responsabilité pour un montant au moins équivalent au montant prescrit et conformément aux conditions prescrites, y compris les franchises;

b) prescrire toute question ou chose mentionnée à l'alinéa a) comme étant prescrite.

LOI DE 2011 SUR LA SAINTE GESTION PUBLIQUE

9 Les paragraphes 1 (12) et (13) de l'annexe 2 de la Loi de 2011 sur la saine gestion publique sont abrogés.

Mentions du directeur

(3) Si un inspecteur envisage de prendre une ordonnance ou prend une ordonnance en vertu d'une délégation visée au présent article, chaque mention du directeur à l'article en vertu duquel l'ordonnance a été envisagée ou prise, selon le cas, et chaque mention du directeur aux articles 121 et 122 vaut mention de cet inspecteur.

LOI SUR L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE

4 (1) L'alinéa 24 (1) a) de la Loi sur l'accès à l'information et la protection de la vie privée est abrogé et remplacé par ce qui suit :

a) s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document et précise que la demande est présentée en vertu de la présente loi;

(2) L'alinéa 48 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

a) en fait la demande par écrit à l'institution qui, à son avis, a la garde ou le contrôle de ces renseignements et précise que la demande est présentée en vertu de la présente loi;

LOI SUR L'ENREGISTREMENT DES DROITS IMMOBILIERS

5 (1) Les définitions de «acte frauduleux» et de «fraudeur» à l'article 1 de la Loi sur l'enregistrement des droits immobiliers sont abrogées et remplacées par ce qui suit :

«acte frauduleux» Acte enregistré :

a) soit qui facilite ou qui constitue une fraude à l'égard d'un domaine ou d'un droit sur un bien-fonds;

b) soit qui est enregistré après un acte visé à l'alinéa a) et sur le titre de la même unité foncière que vise cet acte, et qui est fait par une personne qui a facilité ou perpétré la fraude au moyen de cet acte;

c) soit qui représente la cession d'une charge, si la charge est un acte visé à l'alinéa a). («fraudulent instrument»)

(2) Les paragraphes 39 (2) à (5) de la Loi sont abrogés et remplacés par ce qui suit :

Enregistrement des servitudes

(2) Si une servitude visée au paragraphe (3) est concédée et si la preuve de la servitude qu'exige le directeur des droits immobiliers lui est produite, la servitude doit être enregistrée sur le titre du fonds servant et peut être enregistrée sur le titre du fonds dominant.

Idem

(3) Le paragraphe (2) s'applique à une servitude relative à un bien-fonds enregistré qui est concédée en qualité de dépendance du bien-fonds enregistré dans une division d'enregistrement des actes ou à une servitude relative à un bien-fonds enregistré dans une division d'enregistrement des actes qui est concédée en qualité de dépendance du bien-fonds enregistré.

Consignation

(4) La consignation d'une servitude se fait de la façon que précise le directeur des droits immobiliers.

(3) Le paragraphe (2) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires) n'entre pas en vigueur avant le jour de l'entrée en vigueur du paragraphe (2).

(4) Les paragraphes 39 (2) et (4) de la Loi, tels qu'ils sont réédités par le paragraphe (2), sont abrogés et remplacés par ce qui suit :

Enregistrement des servitudes

(2) Si une servitude visée au paragraphe (3) est concédée et si la preuve de la servitude qu'exige le directeur lui est produite, la servitude doit être enregistrée sur le titre du fonds servant et peut être enregistrée sur le titre du fonds dominant.

Consignation

(4) La consignation d'une servitude se fait de la façon que précise le directeur.

(5) Le paragraphe (4) ne s'applique que si le paragraphe 1 (1) de l'annexe 28 de la Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires) entre en vigueur au plus tard le jour de l'entrée en vigueur du paragraphe (4).

(6) L'alinéa 61 (2) a) de la Loi est abrogé et remplacé par ce qui suit :

a) céder ou grever une part déterminée du bien-fonds ou céder une part de la charge, selon le cas, en fournissant au directeur des droits immobiliers la preuve de la proportion dont il est propriétaire de la façon que précise le directeur des droits immobiliers;

Documents et autres preuves

(4) S'il tente de régler ou de résoudre par la médiation une plainte mettant en cause un fournisseur et un consommateur, le ministère peut demander par écrit à chaque partie à la médiation de lui fournir, dans le délai qu'il précise, les documents ou autres preuves se rapportant à la plainte.

Défaut de répondre du fournisseur

(5) Si un fournisseur omet de fournir un document ou une autre preuve exigé par le ministère en vertu du paragraphe (4), le directeur consigne le nom du fournisseur ainsi que l'omission dans le registre public prévu à la disposition 2 du paragraphe 103 (2).

Défaut de répondre du consommateur

(6) Si un consommateur omet de fournir un document ou une autre preuve exigé par le ministère en vertu du paragraphe (4), le ministère ne prend aucune mesure à l'égard de la médiation.

Pouvoirs du directeur préservés

(7) La médiation ou son résultat n'a pas pour effet de porter atteinte au pouvoir du directeur de traiter la plainte, même si la médiation donne lieu à un règlement.

Protection des dossiers de règlement

(8) Aucun des dossiers, preuves ou renseignements divulgués dans le cadre de la tentative de règlement qui sont assujettis à un privilège relatif à la médiation ne doit être utilisé ou divulgué à une autre fin.

Protection du médiateur

(9) La personne qui mène une médiation prévue au présent article n'est pas tenue de témoigner dans les instances civiles ni dans les instances introduites devant les tribunaux administratifs ou autres en ce qui concerne la médiation.

(5) L'article 105.2 de la Loi est modifié par adjonction des paragraphes suivants :

Communication supplémentaire

(10.1) En plus du pouvoir de pénétrer dans un lieu prévu au présent article, l'inspecteur peut, de quelque façon que ce soit, communiquer avec n'importe quelle personne ayant le contrôle des activités du fournisseur, et peut exercer ses pouvoirs d'inspection prévus au présent article à l'égard du fournisseur ou de la personne sans pénétrer dans un lieu, si l'inspecteur établit ce qui suit :

a) le fournisseur est assujéti à la présente loi;

b) la personne a le contrôle des activités du fournisseur.

Identification

(10.2) L'inspecteur qui communique avec une personne en vertu du paragraphe (10.1) lui fournit une confirmation écrite de son pouvoir d'effectuer l'inspection, qu'une demande lui soit faite ou non en application du paragraphe (5).

Délai de production

(10.3) Si l'inspecteur communique avec une personne en vertu du paragraphe (10.1) et lui demande de produire un dossier ou une autre chose en vertu de l'alinéa (6) b), la personne remet le dossier ou la chose à l'inspecteur de la façon et dans le délai qu'il précise, ce délai devant être d'au moins 15 jours à partir du jour où la demande de production est faite.

Obligation d'aider

(10.4) La personne avec qui l'inspecteur communique en vertu du paragraphe (10.1) aide l'inspecteur conformément au paragraphe (8), sous réserve du délai mentionné au paragraphe (10.3).

(6) Le paragraphe 105.3 (1) de la Loi est modifié par remplacement du passage qui précède la disposition 1 par ce qui suit :

Délégation des pouvoirs de prendre une ordonnance

(1) Le directeur peut déléguer à un inspecteur, sous réserve des conditions énoncées dans la délégation, le pouvoir d'envisager de prendre une ordonnance ou le pouvoir de prendre une ordonnance qu'a le directeur en vertu des articles suivants, auquel cas l'ordonnance envisagée ou prise par un inspecteur en vertu d'une telle délégation a, à toutes fins, le même effet que si elle avait été envisagée ou prise par le directeur :

(7) Le paragraphe 105.3 (3) de la Loi est abrogé et remplacé par ce qui suit :

(3) L'article 8.1 de la Loi est modifié par adjonction du paragraphe suivant :

Renseignements commerciaux pouvant être exigés par le ministre : certaines personnes morales

(4.1) Si un accord visé au paragraphe 8 (3.2) est conclu avec une personne morale, le ministre chargé de l'application du présent article peut :

- a) d'une part, exiger que la personne morale lui fournisse les renseignements commerciaux prescrits;
- b) d'autre part, recevoir des renseignements commerciaux de la personne morale.

(4) Le paragraphe 8.1 (5) de la Loi est modifié par remplacement de «paragraphe (4)» par «paragraphe (4) ou (4.1)» dans le passage qui précède l'alinéa a).

(5) Le paragraphe 8.1 (6) de la Loi est modifié par remplacement de «paragraphe (4)» par «paragraphe (4) ou (4.1)».

(6) L'alinéa 8.1 (7) a) de la Loi est modifié par remplacement de «paragraphe (1) et (4)» par «paragraphe (1), (4) et (4.1)».

LOI DE 2002 SUR LA PROTECTION DU CONSOMMATEUR

3 (1) La disposition 2 du paragraphe 103 (2) de la Loi de 2002 sur la protection du consommateur est abrogée et remplacée par ce qui suit :

2. Les omissions, par un fournisseur, de fournir un document ou une autre preuve exigé par le ministre en vertu du paragraphe 105 (4).

(2) Le paragraphe 103 (2) de la Loi est modifié par adjonction de la disposition suivante :

3.1 Les ordonnances d'observation prises ou rendues en vertu de la présente loi.

(3) L'article 103 de la Loi est modifié par adjonction des paragraphes suivants :

Renseignements supplémentaires

(2.2) Si des renseignements concernant un fournisseur doivent être rendus publics en application du paragraphe (2) ou des règlements, le directeur inclut dans le registre public portant sur le fournisseur tous les renseignements suivants, s'il les connaît :

1. Tous les noms et emplacements commerciaux du fournisseur.

2. Tout autre renseignement prescrit au sujet des activités commerciales du fournisseur.

Accords sur la communication de renseignements

(2.3) Le directeur peut conclure un accord avec n'importe laquelle des entités suivantes pour que cette dernière divulgue des renseignements au ministre dans le but de les rendre publics pour l'application du présent article :

- 1. Un autre ministre du gouvernement de l'Ontario, une société qui applique des textes législatifs pour le compte de ce gouvernement ou un organisme, un conseil ou une commission créé par une loi de l'Ontario.
- 2. Une municipalité en Ontario ou l'un de ses organismes, conseils ou commissions.
- 3. Le gouvernement du Canada ou l'un de ses ministères, organismes, conseils ou commissions.

Registre public

(2.4) Si le ministre reçoit des renseignements conformément à un accord visé au paragraphe (2.3), le directeur tient un registre public de ces renseignements en plus du registre public visé au paragraphe (2).

Législation sur l'accès à l'information

(2.5) La divulgation de renseignements personnels dans un registre public en application du présent article est réputée conforme à l'alinéa 42 (1) e) de la Loi sur l'accès à l'information et la protection de la vie privée.

(4) L'article 105 de la Loi est modifié par adjonction des paragraphes suivants :

Médiation

(2) Le ministre peut régler une plainte par la médiation si les parties à la plainte acceptent la médiation.

Accord de médiation

(3) L'accord de médiation d'une plainte est signé par les parties à la plainte et est rédigé sous une forme approuvée par le directeur qui stipule les conditions de la médiation et les obligations des parties dans le cadre de la médiation.

LOI SUR LES SOCIÉTÉS PAR ACTIONS

- 1 (1) L'alinéa c) de la définition de «résident canadien» au paragraphe 1 (1) de la Loi sur les sociétés par actions est modifiée par remplacement de «Loi sur l'immigration (Canada)» par «Loi sur l'immigration et la protection des réfugiés (Canada)».
- (2) L'alinéa 2 (3) d) de la Loi est modifiée par remplacement de «Loi sur les caisses populaires et les credit unions» par «Loi de 1994 sur les caisses populaires et les credit unions».
- (3) L'alinéa 56 (1) b) de la Loi est modifiée par remplacement de «Loi ontarienne sur les sociétés par actions» par «Loi sur les sociétés par actions (Ontario)» à la fin de l'alinéa.
- (4) Le paragraphe 101 (1) de la Loi est abrogé et remplacé par ce qui suit :
- Quorum**
- (1) Sauf disposition contraire des règlements administratifs, le quorum des actionnaires à une assemblée des actionnaires est atteint, quel que soit le nombre de personnes effectivement présentes à l'assemblée, lorsque sont présents ou représentés les détenteurs d'actions disposant de la majorité des voix qui peuvent être exprimées à l'assemblée.
- (5) La version française du paragraphe 108 (5.1) de la Loi est abrogée et remplacée par ce qui suit :

Convention unanime des actionnaires

- (5.1) Le présent article n'empêche pas les actionnaires de restreindre leur pouvoir discrétionnaire dans l'exercice, au titre d'une convention unanime des actionnaires, des pouvoirs des administrateurs.

- (6) Les paragraphes 126 (1) et (2) de la Loi sont abrogés et remplacés par ce qui suit :

Réunions du conseil

- (1) Sauf disposition contraire des statuts ou des règlements administratifs, les administrateurs peuvent se réunir en tout lieu.
- (7) Le paragraphe 126 (3) de la Loi est modifié par suppression de «Toutefois, le quorum ne doit en aucun cas être inférieur aux deux cinquièmes du nombre fixe ou du nombre minimal d'administrateurs, selon le cas.» à la fin du paragraphe.
- (8) Le paragraphe 126 (14) de la Loi est abrogé.

- (9) L'article 129 de la Loi est modifié par adjonction du paragraphe suivant :

Preuve

- (3) L'inscription au procès-verbal d'une réunion selon laquelle le président de la réunion a déclaré une résolution adoptée ou rejetée fait foi, en l'absence de preuve contraire, de ce fait, sans qu'il soit nécessaire de prouver le nombre ou la proportion des voix exprimées en faveur de la résolution ou contre elle.

- (10) Les sous-alinéas a) (i), (ii) et (iii) du paragraphe 141 (1) de la Loi sont modifiés par insertion de «de même qu'une adresse électronique, si elle est fournie,» après «de cas échéant,» partout où figure cette expression.

LOI DE 1994 PORTANT RÉFORME DE LA RÉGLEMENTATION DES ENTREPRISES

- 2 (1) L'article 8 de la Loi de 1994 portant réforme de la réglementation des entreprises est modifié par adjonction du paragraphe suivant :

Idem : certaines personnes morales

- (3.2) Le ministre chargé de l'application du présent article peut conclure, avec une personne morale qui applique une loi désignée ou des dispositions d'une loi désignée pour le compte du gouvernement de l'Ontario ou avec une société de la Couronne qui exerce les pouvoirs ou les fonctions que lui attribue une loi désignée, des accords quant à la question de savoir si la personne morale ou la société de la Couronne doit :

- a) d'une part, attribuer des identificateurs d'entreprises conformément au système d'entreprises établi en vertu du présent article;
- b) d'autre part, utiliser le système d'identificateurs d'entreprises à toute autre fin.

- (2) Le paragraphe 8.1 (1) de la Loi est modifié par remplacement de «qu'une personne qu'elle vise lui fournisse les renseignements commerciaux prescrits» par «qu'une personne visée par cette loi lui fournisse les renseignements commerciaux prescrits et qu'elle mette à jour des renseignements commerciaux fournis antérieurement au ministre» à la fin du paragraphe.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(6) Le paragraphe 127 (2) de la Loi est abrogé et remplacé par ce qui suit :

Exception : décisions demandées ou acceptées

(2) Les paragraphes (1) et (1.1) ne s'appliquent pas à la décision prise à la demande ou avec le consentement d'une des personnes suivantes, selon le cas :

a) si la décision a trait à un permis, à un certificat ou à une approbation, l'auteur de la demande du permis, du certificat ou de l'approbation ou le titulaire du permis, du certificat ou de l'approbation;

b) si la décision a trait à un arrêté, la personne contre laquelle il est pris.

(7) L'alinéa 128 (1) a) de la Loi est abrogé et remplacé par ce qui suit :

a) soit, si la décision a trait à un permis, à un certificat ou à une approbation, à l'auteur de la demande du permis, du certificat ou de l'approbation ou au titulaire du permis, du certificat ou de l'approbation;

(8) L'alinéa 129 (3) a) de la Loi est abrogé et remplacé par ce qui suit :

a) d'une part, le volet de la décision, notamment la partie du permis, du certificat, de l'approbation, de l'arrêté ou de l'avis de pénalité administrative, qui fait l'objet de la demande d'audience;

LOI DE 2009 SUR LA RÉDUCTION DES TOXIQUES

7 La Loi de 2009 sur la réduction des toxiques est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

26.2 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnable, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

ENTRÉE EN VIGUEUR**Entrée en vigueur**

8 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

(2) La version française de l'alinéa 53 (6) b) de la Loi est modifiée par remplacement de «égout séparatif» par «égout sanitaire» à la fin de l'alinéa.

(3) La version française du paragraphe 53 (6.1) de la Loi est modifiée par remplacement de «ne s'applique pas» par «s'applique» dans le passage qui précède l'alinéa a).

LOI SUR LES PESTICIDES

5 La Loi sur les pesticides est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

26.0.1 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnable, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

6 (1) La version anglaise de la définition de «drinking water system» au paragraphe 2 (1) de la Loi de 2002 sur la salubrité de l'eau potable est modifiée par remplacement de «and that includes» par «and includes» dans le passage qui précède l'alinéa a).

(2) Les paragraphes 12 (2) à (4) de la Loi sont abrogés.

(3) L'article 30 de la Loi est abrogé et remplacé par ce qui suit :

Définition

30 La définition qui suit s'applique à la présente partie.

«plans financiers» Plans financiers qui satisfont aux exigences que prescrit le ministre.

(4) La sous-disposition 2 ii du paragraphe 32 (5) de la Loi est abrogée et remplacée par ce qui suit :

ii. une preuve que le directeur estime satisfaisante et portant que les plans financiers du réseau satisfont aux exigences prévues par la présente loi, si le ministre prescrit les exigences visées à la définition de «plans financiers» à l'article 30.

(5) La Loi est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

104.1 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnable, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

h) régir les attestations mentionnées à l'alinéa g);

i) régir les exigences en matière de garantie financière à l'égard d'activités prescrites par règlement pour l'application du paragraphe 20.21 (1) et les modes de calcul de celle-ci, et prescrire les mesures d'ordre environnemental pour lesquelles une garantie financière peut être exigée;

j) exiger des personnes prescrites par règlement qu'elles souscrivent une assurance et préciser l'assurance à souscrire ainsi que les restrictions et conditions applicables à la couverture d'assurance.

(19) Les paragraphes 176 (2.2) à (2.4) de la Loi sont abrogés.

LOI DE 2002 SUR LA GESTION DES ÉLÉMENTS NUTRITIFS

3 (1) La Loi de 2002 sur la gestion des éléments nutritifs est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

28.1 (1) Pour déterminer si une personne se conforme à la présente loi ou aux règlements, un agent provincial peut, à toute heure et avec toute l'assistance raisonnable, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un agent provincial peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(2) Le paragraphe 29 (1) de la Loi est abrogé et remplacé par ce qui suit :

Arrêté de prévention

(1) L'agent provincial ou le directeur peut prendre un arrêté visant une des personnes suivantes s'il a des motifs raisonnables de croire qu'une conséquence préjudiciable visée au paragraphe 18 (3) aura lieu ou aura vraisemblablement lieu si une chose qui est entreprise sur ou dans les biens-fonds, les locaux, les véhicules ou les embarcations, ou à partir de ceux-ci, cause le rejet de matières contenant des éléments nutritifs dans l'environnement naturel, sauf l'air :

1. Une personne qui est propriétaire de biens-fonds ou de locaux où l'agent provincial peut pénétrer en vertu de l'article 13 ou 16, ou qui en assure la gestion ou en a le contrôle.
2. Une personne qui conduit un véhicule ou une embarcation auquel l'agent provincial peut faire signe de s'arrêter ou qui est tenue de se présenter en application de l'article 14.

(3) L'alinéa 29 (3) a) de la Loi est modifié par remplacement de «entreprise sur ou dans les biens-fonds, les locaux, les véhicules ou les embarcations, ou à partir de ceux-ci» à la fin de l'alinéa.

LOI SUR LES RESSOURCES EN EAU DE L'ONTARIO

4 (1) L'article 15.0.1 de la Loi sur les ressources en eau de l'Ontario est modifié par adjonction des paragraphes suivants :

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(8) Le sous-alinéa 20.23 (1) e) (i) de la Loi est modifié par remplacement du passage qui précède le sous-alinéa (A) par ce qui suit :

(i) si aucune demande d'autorisation n'a été présentée pour une autorisation en vertu de la partie II.1 ou si aucune demande d'acte prescrit n'a été présentée en vertu d'une autre loi,

(9) Le sous-alinéa 20.23 (1) e) (ii) de la Loi est abrogé et remplacé par ce qui suit :

(ii) si une demande d'autorisation a été présentée pour une autorisation en vertu de la partie II.1 ou si une demande d'acte prescrit a été présentée en vertu d'une autre loi, la décision à son sujet a été rendue;

(10) Le paragraphe 42 (5) de la Loi est modifié par remplacement de «176 (2.4) e)» par «176 (1.3) e)» à la fin du paragraphe.

(11) L'alinéa b) de la définition de «mesures d'ordre environnemental» à l'article 131 de la Loi est modifiée par remplacement de «176 (2.4) i)» par «176 (1.3) i)» à la fin de la définition.

(12) La définition de «garantie financière» à l'article 131 de la Loi est modifiée par remplacement de «176 (2.4) i)» par «176 (1.3) i)» partout où figure ce renvoi.

(13) Le paragraphe 136 (2) de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)».

(14) Le sous-alinéa 136 (3) a) (ii) de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)» à la fin du sous-alinéa.

(15) L'article 155 de la Loi est modifié par remplacement de «176 (2.4) i)» par «176 (1.3) i)».

(16) L'article 156.2 de la Loi est modifié par remplacement de «ou de la Loi sur les pesticides» par «, de la Loi sur les pesticides, de la Loi de 2002 sur la salubrité de l'eau potable ou de la Loi de 2009 sur la réduction des toxiques» dans le passage qui précède l'alinéa a).

(17) L'article 157.0.1 de la Loi est modifié par adjonction des paragraphes suivants :

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un agent provincial peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un agent provincial peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

(18) L'article 176 de la Loi est modifié par adjonction des paragraphes suivants :

Règlements relatifs à la partie II.1

(1.1) Le lieutenant-gouverneur en conseil peut prendre des règlements relatifs à la partie II.1 qui exigent des personnes et prescrites par règlement qu'elles souscrivent une assurance et qui précisent l'assurance à souscrire et les restrictions et conditions applicables à la couverture d'assurance.

Idem : règlements du ministre

(1.2) Le ministre peut prendre des règlements relatifs à la partie II.1 qui précisent la date limite pour présenter une demande de révision d'une autorisation environnementale délivrée à l'égard d'une activité.

Règlements relatifs à la partie II.2

(1.3) Le lieutenant-gouverneur en conseil peut prendre des règlements relatifs à la partie II.2 pour :

- a) régir la création, le fonctionnement et la tenue du Registre, et notamment exiger des enregistrements électroniques;
- b) régir les enregistrements et leurs modalités, notamment la désignation d'une personne chargée de fixer ces modalités;
- c) régir la tenue des enregistrements et prescrire les renseignements, rapports, dossiers ou documents qu'ils doivent inclure;
- d) prescrire les dates et les exigences pour la mise à jour périodique des enregistrements;
- e) régir les activités prescrites par règlement pour l'application du paragraphe 20.21 (1);
- f) prescrire les mesures qu'un agent provincial peut exiger dans un avis donné en vertu de l'article 157.4;
- g) exiger que les personnes ayant les qualités requises précisées dans les règlements joignent des attestations aux enregistrements;

ANNEXE II

MINISTÈRE DE L'ENVIRONNEMENT ET DE L'ACTION EN MATIÈRE DE CHANGEMENT CLIMATIQUE

LOI DE 2006 SUR L'EAU SAINE

1 La Loi de 2006 sur l'eau saine est modifiée par adjonction de l'article suivant :

Pouvoir d'exiger des réponses

62.1 (1) Pour déterminer si une personne se conforme à la présente partie, un inspecteur en gestion des risques peut, à toute heure et avec toute l'assistance raisonnable, exiger que la personne ou toute personne qu'elle emploie ou qui lui fournit des services réponde aux demandes raisonnables de renseignements.

Idem

(2) Pour l'application du paragraphe (1), un inspecteur en gestion des risques peut demander des renseignements par téléphone ou par un autre moyen de communication.

Production de documents

(3) Lorsqu'il exige qu'une personne réponde à une demande de renseignements en vertu du paragraphe (1), un inspecteur en gestion des risques peut exiger la production de documents ou de données, sous quelque forme que ce soit, dont la présente loi exige la conservation, et la production des autres documents ou données, sous quelque forme que ce soit, qui sont liés à l'objet de la demande de renseignements.

Dossiers sous forme électronique

(4) Si un dossier est conservé sous forme électronique, un inspecteur en gestion des risques peut exiger qu'une copie lui en soit remise sur papier ou sous une forme électronique, ou sous les deux formes.

LOI SUR LA PROTECTION DE L'ENVIRONNEMENT

2 (1) La version française du paragraphe 5 (1) de la Loi sur la protection de l'environnement est modifiée par remplacement de «pour faire appliquer» par «en ce qui concerne» dans le passage qui précède la disposition 1.

(2) L'article 20.1 de la Loi est modifié par adjonction de la définition suivante :

«acte prescrit» Document à effet juridique qui est délivré ou créé d'une autre façon en application d'une disposition prescrite d'une loi dont l'application relève du ministre, notamment un permis, une licence, une approbation ou une autorisation, à l'exclusion toutefois d'une autorisation environnementale. («prescribed instrument»)

(3) L'alinéa 20.4 (2) b) de la Loi est modifié par remplacement de «176 (2.3)» par «176 (1.2)».

(4) L'article 20.17 de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

Expiration de l'autorisation ou de l'acte

20.17 Une autorisation environnementale ou un acte prescrit cesse de s'appliquer à l'égard d'une activité exercée sur un site à la première des dates suivantes :

(5) L'article 20.18 de la Loi est modifié par adjonction du paragraphe suivant :

Maintien de l'acte prescrit

(3) Si un acte prescrit est en vigueur lorsque le directeur prend un arrêté en vertu du paragraphe (1), le directeur peut préciser dans l'arrêté que l'acte prescrit continue de s'appliquer.

(6) L'article 20.19 de la Loi est modifié par adjonction de la définition suivante :

«acte prescrit» Document à effet juridique qui est délivré ou créé d'une autre façon en application d'une disposition prescrite d'une loi dont l'application relève du ministre, notamment un permis, une licence, une approbation ou une autorisation, à l'exclusion toutefois d'une autorisation environnementale. («prescribed instrument»)

(7) Le paragraphe 20.21 (4) de la Loi est abrogé et remplacé par ce qui suit :

Disposition transitoire

(4) Si une autorisation environnementale ou un acte prescrit a été délivré à l'égard d'une activité avant le jour de l'entrée en vigueur d'un règlement prescrivant celle-ci pour l'application du paragraphe (1), ce paragraphe ne s'applique au titulaire de l'autorisation ou de l'acte qu'à compter du jour où l'autorisation ou l'acte cesse de s'appliquer à l'activité, tel que ce jour est fixé conformément à l'article 20.17.

(12) La Loi est modifiée par adjonction de l'article suivant :

Exemptions

82.1 (1) La Commission peut, sans audience, établir des critères soustrayant une ou plusieurs catégories d'opérations ou d'activités de construction à l'application de l'article 80 ou 81.

Avis non requis

(2) Une personne n'est pas tenue de donner avis d'une proposition en application de l'article 80 ou 81 si la proposition satisfait aux critères établis par la Commission (1).

(13) Le paragraphe 110 (3) de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

Avis

(3) Les documents et dossiers ou les copies de ceux-ci qu'obtient un inspecteur en vertu de l'article 107 ou 108, ainsi que les renseignements qu'il obtient en vertu de l'article 107, qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, ne doivent pas être présentés en preuve dans les instances dont la Commission est saisie à moins que celle-ci :

(14) Le paragraphe 111 (2) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(2) Si les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de l'article 107 ou 108 et qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, sont admis en preuve dans une instance introduite en vertu de la présente loi ou de toute autre loi qui attribue des pouvoirs ou des fonctions à la Commission, celle-ci peut décider s'ils doivent rester confidentiels.

(15) La Loi est modifiée par adjonction de l'article suivant :

Publication des rapports d'inspection

111.1 (1) Malgré l'article 111 et sous réserve du paragraphe (2), la Commission peut, dans le cadre d'un rapport décrivant une inspection effectuée en vertu de la présente partie ainsi que les résultats ou constats de l'inspection, publier les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de l'article 107 ou 108.

Publication interdite des documents confidentiels

(2) La Commission ne doit pas publier en vertu du paragraphe (1) des documents, des dossiers ou des renseignements qui ne sont pas par ailleurs publics sans avoir donné au propriétaire des documents ou des dossiers ou à la personne qui a fourni les documents, les dossiers ou les renseignements l'occasion de présenter des observations à l'égard de la publication envisagée.

(16) L'article 112 de la Loi est abrogé et remplacé par ce qui suit :

Preuve

112 Les documents, dossiers ou renseignements qu'obtient un inspecteur en vertu de la présente partie et qui ne sont pas par ailleurs publics, y compris s'ils le sont en raison de leur publication en vertu de l'article 111.1, ne sont admissibles en preuve que dans une instance relative à une ordonnance de la Commission ou à une infraction prévue à l'article 126.

(17) L'alinéa 127 (1) j.19) de la Loi est abrogé et remplacé par ce qui suit :

j.19) prescrire les délais pour l'application des paragraphes 36 (4.1) et (4.2) et 78 (6.1) et (6.2);

ENTRÉE EN VIGUEUR

Entrée en vigueur

3 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Comptes de report ou d'écart

(4.1) Si un distributeur de gaz a un compte de report ou d'écart qui se rapporte au gaz comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article qui établit si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

Idem

(4.2) Si un distributeur de gaz a un compte de report ou d'écart qui ne se rapporte pas au gaz comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article qui établit si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

(4) Le sous-alinéa 41 (1) b.1) (i) de la Loi est abrogé et remplacé par ce qui suit :

« (i) l'arrêt de la distribution de gaz à un bien, notamment la manière et le délai d'arrêt, et, relativement à un petit consommateur au sens de l'article 17, les périodes pendant lesquelles la distribution ne peut pas être arrêtée;

(5) L'article 44 de la Loi est modifié par adjonction du paragraphe suivant :

Incompatibilité avec la Loi sur les services publics

(1.1) Les règles adoptées par la Commission en vertu du sous-alinéa (1) b.1) (i) l'emportent sur toute disposition incompatible de l'article 59 de la Loi sur les services publics;

(6) Le sous-alinéa 70 (2) d) (ii.1) (A) de la Loi est abrogé et remplacé par ce qui suit :

« (A) le fait de débrancher l'approvisionnement en électricité fourni à un consommateur, notamment la manière et le délai de débranchement, et, relativement à un petit consommateur, les périodes pendant lesquelles le débranchement ne peut pas se faire;

(7) L'article 70 de la Loi est modifié par adjonction du paragraphe suivant :

Incompatibilité avec la Loi de 1998 sur l'électricité

(8) Les conditions d'un permis visées au sous-alinéa (2) d) (ii.1) (A) l'emportent sur toute disposition incompatible de l'article 31 de la Loi de 1998 sur l'électricité;

(8) Les paragraphes 78 (6.1) et (6.2) de la Loi sont abrogés et remplacés par ce qui suit :

Comptes de report ou d'écart

(6.1) Si un distributeur a un compte de report ou d'écart qui se rapporte à l'électricité comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article afin d'établir si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

Idem

(6.2) Si un distributeur a un compte de report ou d'écart qui ne se rapporte pas à l'électricité comme marchandise, la Commission, périodiquement ou selon ce que prescrivent les règlements, rend une ordonnance en application du présent article afin d'établir si les sommes inscrites au compte doivent être prises en compte dans les tarifs ainsi que la manière dont cela doit être fait.

(9) Le paragraphe 79.1 (1) de la Loi est modifié par remplacement de «prévoit» par «peut prévoir».

(10) Le paragraphe 82 (2) de la Loi est abrogé et remplacé par ce qui suit :

Ordonnance

(2) La Commission rend une ordonnance approuvant une proposition visée à l'article 80 si elle établit :
a) soit que la proposition ne nuira pas à l'instauration et au maintien d'un marché concurrentiel et qu'elle n'est pas incompatible avec les objectifs de la Commission ou les objets de la Loi de 1998 sur l'électricité;

b) soit que la proposition est nécessaire pour maintenir la fiabilité du réseau de transport ou de distribution du transporteur ou du distributeur concerné.

(11) Le paragraphe 82 (3) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(3) La Commission rend une ordonnance approuvant une proposition visée à l'article 81 si elle établit :

a) d'une part, que la proposition ne nuira pas à l'instauration et au maintien d'un marché concurrentiel;

b) d'autre part, que la proposition n'est pas incompatible avec les objectifs de la Commission ou les objets de la Loi de 1998 sur l'électricité.

ANNEXE 10 MINISTÈRE DE L'ÉNERGIE

LOI DE 1998 SUR L'ÉLECTRICITÉ

1 Le paragraphe 33 (6) de la *Loi de 1998 sur l'électricité* est modifié par remplacement de «60 jours» par «120 jours».

LOI DE 1998 SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

2 (1) L'alinéa d) de la définition de «disposition exécutoire» à l'article 3 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario* est modifié par remplacement de «le paragraphe 5 (3), (4), (5) ou (6)» par «le paragraphe 5 (4), (5), (6) ou (7)» au début de l'alinéa.

(2) La Loi est modifiée par adjonction de l'article suivant :

Liquidateurs

21.1 (1) Aucun des faits suivants n'empêche la Commission d'exercer une compétence que lui attribue la présente loi ou une autre loi relativement à un service public réglementé :

1. Le fait qu'un liquidateur, un séquestre, un cadre ou un autre agent du service public réglementé a été nommé par un tribunal en Ontario.
2. Le fait qu'un bref de mise sous séquestre judiciaire a été délivré en Ontario à l'égard du service public réglementé.
3. Le fait qu'une personne gère ou exploite le service public réglementé sous l'autorité d'un tribunal en Ontario.

Obligations des liquidateurs

(2) L'agent intérimaire d'un service public réglementé gère et exploite celui-ci conformément à ce qui suit :

- a) la présente loi;
- b) toute autre loi, dans la mesure où elle attribue une compétence à la Commission;
- c) tout permis applicable que délivre la Commission, toute ordonnance applicable qu'elle rend ou toute directive applicable qu'elle donne en application de la présente loi ou d'une loi visée à l'alinéa b);
- d) toute règle applicable adoptée en vertu de l'article 44 ou tout code applicable produit en vertu de l'article 70.1;
- e) toute garantie d'observation volontaire applicable qui est fournie à la Commission en vertu de l'article 112.7.

Obéissance obligatoire

(3) L'agent intérimaire d'un service public réglementé et toute personne agissant sous sa direction doivent obéir aux ordonnances de la Commission qui relèvent de sa compétence à l'égard du service public réglementé. La Commission peut faire exécuter ses ordonnances par l'agent ou la personne, même si l'un ou l'autre est nommé par un tribunal ou agit sous l'autorité d'un tribunal.

Définitions

(4) Les définitions qui suivent s'appliquent au présent article.

«agent intérimaire d'un service public réglementé» S'entend de ce qui suit :

- a) un liquidateur, un séquestre, un cadre ou un autre agent d'un service public réglementé qui a été nommé par un tribunal en Ontario;
- b) une personne agissant à l'égard d'un service public réglementé sous l'autorité d'un bref de mise sous séquestre judiciaire qui a été délivré en Ontario;
- c) une personne qui gère ou exploite un service public réglementé sous l'autorité d'un tribunal en Ontario. («regulated utility interim official»)

«service public réglementé» S'entend de ce qui suit :

- a) un distributeur de gaz, un transporteur de gaz ou une compagnie de stockage dont les tarifs sont approuvés ou fixés par la Commission en vertu de l'article 36;
- b) un distributeur ou un transporteur dont les tarifs sont approuvés ou fixés par la Commission en vertu de l'article 78. («regulated utility»)

(3) Les paragraphes 36 (4.1) et (4.2) de la Loi sont abrogés et remplacés par ce qui suit :

3. La définition de «commissaire à l'équité» à l'article 22.1 de l'annexe 2.

11 (1) Les dispositions suivantes du paragraphe 22.12 (1) de l'annexe 2 de la Loi sont modifiées par remplacement de «une personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la Loi de 2006 sur l'accès équitable aux professions réglementées» par «une personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. L'alinéa a), à la fin.

2. L'alinéa b).

(2) L'alinéa 22.12 (2) a) de l'annexe 2 de la Loi est modifié par remplacement de «une personne que le commissaire à l'équité emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la Loi de 2006 sur l'accès équitable aux professions réglementées» par «une personne employée au Bureau du commissaire à l'équité».

12 Les dispositions suivantes de l'annexe 2 de la Loi sont modifiées par remplacement de «personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3) de la Loi de 2006 sur l'accès équitable aux professions réglementées» par «personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. Le paragraphe 22.13 (1).

2. Le paragraphe 22.13 (2).

3. L'article 22.14, dans le passage qui précède l'alinéa a).

ENTRÉE EN VIGUEUR

Entrée en vigueur

13 (1) Sous réserve du paragraphe (2), la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Idem

(2) Les articles 2, 4, 5, 6, 11 et 12 entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

ANNEXE 9

MINISTÈRE DES AFFAIRES CIVILES ET DE L'IMMIGRATION

LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES ET AUX MÉTIERS À ACCRÉDITATION

OBLIGATOIRE

1 L'article 5 de la Loi de 2006 sur l'accès équitable aux professions réglementées et aux métiers à accréditation obligatoire est abrogé et remplacé par ce qui suit :

Champ d'application

5 (1) La présente loi s'applique aux professions réglementées.

Métiers à accréditation obligatoire

(2) La présente loi s'applique à l'Ordre des métiers de l'Ontario de la même manière et dans la même mesure que si la mention, dans la présente loi, d'une profession réglementée valait mention d'un métier à accréditation obligatoire.

2 L'article 16 de la Loi est abrogé et remplacé par ce qui suit :

Employés

16 Les employés qui sont jugés nécessaires au bon fonctionnement du Bureau du commissaire à l'équité peuvent être nommés aux termes de la partie III de la Loi de 2006 sur la fonction publique de l'Ontario.

3 La version anglaise de l'article 18 de la Loi est modifiée par remplacement de «Such employees as are considered necessary» par «The employees that are considered necessary» au début de l'article.

4 (1) Les dispositions suivantes du paragraphe 30 (1) de la Loi sont modifiées par remplacement de «une personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «une personne employée au Bureau du commissaire à l'équité» partout où figurent ces mots :

1. L'alinéa a), à la fin.

2. L'alinéa c).

(2) L'alinéa 30 (2) a) de la Loi est modifié par remplacement de «une personne que le commissaire à l'équité emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «une personne employée au Bureau du commissaire à l'équité».

5 (1) Le paragraphe 32 (1) de la Loi est abrogé et remplacé par ce qui suit :

Immunité

(1) Sont irrecevables les instances introduites contre le commissaire à l'équité, une personne employée au Bureau du commissaire à l'équité ou une personne employée en vertu de l'article 18 pour un acte accompli ou omis de bonne foi dans l'exercice effectif ou censé tel des fonctions que lui attribue la présente loi.

(2) Le paragraphe 32 (2) de la Loi est modifié par remplacement de «aucune personne qu'il emploie ou qui fournit des services aux termes d'un accord visé au paragraphe 16 (3)» par «aucune personne employée au Bureau du commissaire à l'équité».

6 L'article 33 de la Loi est modifié par remplacement du passage qui précède l'alinéa a) par ce qui suit :

Limite des pouvoirs

33 Ni le commissaire à l'équité ni aucune personne employée au Bureau du commissaire à l'équité ou employée en vertu de l'article 18 :

7 L'alinéa 34 (1) a) de la Loi est abrogé.

8 L'article 2 de l'annexe 1 de la Loi est abrogé.

LOI DE 2000 SUR LES FORESTIERS PROFESSIONNELS

9 La disposition 25.1 du paragraphe 53 (1) de la Loi de 2000 sur les forestiers professionnels est modifiée par insertion de «et aux métiers à accréditation obligatoire» après «aux professions réglementées».

LOI DE 1991 SUR LES PROFESSIONS DE LA SANTÉ RÉGLEMENTÉES

10 Les dispositions suivantes de la Loi de 1991 sur les professions de la santé réglementées sont modifiées par insertion de «et aux métiers à accréditation obligatoire» après «aux professions réglementées» dans chaque cas :

1. L'article 5.1.

2. L'alinéa 43 (1) i).

Article X

Si un Etat ratifie la Convention de 1974 sur la prescription ou y adhère après l'entrée en vigueur du présent Protocole, cette ratification ou cette adhésion constituera également une adhésion au présent Protocole à condition que l'Etat adresse au depositaire une notification à cet effet.

Article XI

Tout Etat qui devient partie contractante à la Convention de 1974 sur la prescription telle que modifiée par le présent Protocole en vertu de l'article VIII, de l'article IX ou de l'article X du présent Protocole, et qui n'adresse pas de notification en sens contraire au depositaire, sera considéré comme étant également partie contractante à la Convention de 1974 sur la prescription non modifiée dans ses rapports avec toute partie contractante à cette dernière convention qui n'est pas devenue partie contractante au présent Protocole.

Article XII

Tout Etat peut déclarer, au moment du dépôt de son instrument d'adhésion ou de sa notification en vertu de l'article X, qu'il ne sera pas lié par l'article I du Protocole. Une déclaration en vertu du présent article devra être faite par écrit et notifiée formellement au depositaire.

Article XIII

(1) Tout Etat contractant pourra dénoncer le présent Protocole par notification adressée à cet effet au depositaire.
(2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois à compter de la date de réception de la notification par le depositaire.

(3) Tout Etat contractant à l'égard duquel le présent Protocole cessera d'avoir effet en application des paragraphes 1 et 2 du présent article demeurera partie contractante à la Convention de 1974 sur la prescription non modifiée, sauf dénonciation de cette convention effectuée conformément à l'article 45.

Article XIV

(1) Le depositaire transmettra à tous les Etats un exemplaire certifié conforme du présent Protocole.
(2) Lorsque le présent Protocole entrera en vigueur conformément à l'article IX, le depositaire établira le texte de la Convention de 1974 sur la prescription telle que modifiée par le présent Protocole et en adressera un exemplaire certifié conforme à tous les Etats parties à ladite Convention telle que modifiée par le présent Protocole.

Fait à Vienne, le onze avril mil neuf cent quatre-vingt, en un seul original, dont les textes anglais, arabe, chinois, espagnol, français et russe sont également authentiques.

Septembre 2000

Loi de 2002 sur la prescription des actions

5 Le paragraphe 2 (1) de la Loi de 2002 sur la prescription des actions est modifié par adjonction de l'alinéa suivant :

(g) les instances auxquelles s'applique la Convention sur la prescription ou la Convention modifiée sur la prescription, au sens de la Loi sur les conventions de vente internationale.

Entrée en vigueur

6 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

«(4) Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou plusieurs des unités territoriales d'un Etat contractant, mais non pas à toutes, et si l'établissement d'une partie au contrat est située dans cet Etat, cet établissement sera considéré, aux fins de la présente Convention, comme n'étant pas situé dans un Etat contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.»

Article IV

Les dispositions de l'article 34 sont supprimées et remplacées par les suivantes :

«1 Deux ou plusieurs Etats contractants qui, dans des matières régies par la présente Convention, appliquent des règles juridiques identiques ou voisines peuvent, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente faites conjointement ou être unilatérales et réciproques.

2 Un Etat contractant qui, dans des matières régies par la présente Convention, applique des règles juridiques identiques ou voisines de celles d'un ou de plusieurs Etats non contractants peut, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces Etats.

3 Lorsqu'un Etat à l'égard duquel une déclaration a été faite en vertu du paragraphe 2 du présent article devient par la suite Etat contractant, la déclaration mentionnée aura, à partir de la date à laquelle la présente Convention entrera en vigueur à l'égard de ce nouvel Etat contractant, les effets d'une déclaration faite en vertu du paragraphe 1, à condition que le nouvel Etat contractant s'y associe ou fasse une déclaration à titre réciproque.»

Article V

Les dispositions de l'article 37 sont supprimées et remplacées par le texte suivant :

«La présente Convention ne prévaut pas sur un accord international déjà conclu ou à conclure qui contient des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des Etats parties à cet accord.»

Article VI

La disposition suivante est ajoutée à la fin du paragraphe 1 de l'article 40 :

«Les déclarations unilatérales et réciproques faites en vertu de l'article 34 prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de la réception de la dernière déclaration par le Secrétaire général de l'Organisation des Nations Unies.»

DISPOSITIONS FINALES

Article VII

Le Secrétaire général de l'Organisation des Nations Unies est désigné comme dépositaire du présent Protocole.

Article VIII

(1) Le présent Protocole sera ouvert à l'adhésion de tous les Etats.

(2) L'adhésion au présent Protocole par un Etat qui n'est pas partie contractante à la Convention de 1974 sur la prescription de l'article XI aura l'effet d'une adhésion à la Convention telle que modifiée par le présent Protocole, sous réserve des dispositions de l'article XI.

(3) Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article IX

(1) Le présent Protocole entrera en vigueur le premier jour du sixième mois suivant le dépôt du deuxième instrument d'adhésion, à condition :

a) que la Convention de 1974 sur la prescription soit elle-même en vigueur à cette date; et

b) que la Convention de 1980 sur la vente soit également en vigueur à cette date.

Si ces conventions ne sont pas toutes les deux en vigueur à cette date, le présent Protocole entrera en vigueur le jour même où toutes deux seront en vigueur.

(2) Pour chacun des Etats qui adhéreront au présent Protocole après que le deuxième instrument d'adhésion aura été déposé, le présent Protocole entrera en vigueur le premier jour du mois suivant l'expiration de six mois après la date du dépôt de son instrument d'adhésion, si à cette date le Protocole est lui-même en vigueur. Si, à cette date, le Protocole n'est pas encore en vigueur, il entrera en vigueur à l'égard de cet Etat à la date de son entrée en vigueur.

Note infapaginale : 5 Cet Etat sera alors lié par l'article 3 de la Convention non modifiée, dont on trouvera le libellé à la note à laquelle renvoie l'article 3.

Note infapaginale : 6 Texte modifié conformément à l'article V du Protocole. Avant sa modification par le Protocole de 1980, l'article 37 de la Convention de 1974 se lisait comme suit :

«Article 37

La présente Convention ne détroge pas aux conventions déjà conclues ou à conclure et qui contiennent des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des Etats parties à l'une de ces conventions.»

Note infapaginale : 7 La dernière phrase du paragraphe 1 de l'article 40 a été ajoutée, conformément à l'article VI du Protocole de 1980.

Note infapaginale : 8 Renvoie à la Convention de 1974 sur la prescription.

Note infapaginale : 9 Le texte des paragraphes 1 et 2 de l'article XIII du Protocole est le suivant :

«1) Tout Etat contractant pourra dénoncer le présent Protocole par notification adressée à cet effet au depositaire.

2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois à compter de la date de réception de la notification par le depositaire.»

ANNEXE 4 PROTOCOLE MODIFIANT LA CONVENTION SUR LA PRESCRIPTION EN MATIERE DE VENTE INTERNATIONALE DE MARCHANDISES

Les Etats parties au présent Protocole,

Considérant l'importance du commerce international pour la promotion de relations amicales entre les Etats,

Estimant que l'adoption de règles uniformes applicables au délai de prescription en matière de vente internationale de marchandises favoriserait le développement du commerce mondial,

Considérant également qu'une modification de la Convention sur la prescription en matière de vente internationale de marchandises, conclue à New York le 14 juin 1974 (Convention de 1974 sur la prescription), afin d'en harmoniser les dispositions avec celles de la Convention des Nations Unies sur les contrats de vente internationale de marchandises, conclue à Vienne le 11 avril 1980 (Convention de 1980 sur la vente), faciliterait l'adoption des règles uniformes applicables au délai de prescription que contient la Convention sur la prescription,

Sont convenus de modifier la Convention de 1974 sur la prescription comme suit :

Article I

(1) Le paragraphe 1 de l'article 3 est remplacé par la disposition suivante :

«1. La présente Convention ne s'applique que

a) si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des Etats contractants; ou

b) si les règles du droit international privé rendent applicable au contrat de vente la loi d'un Etat contractant.»

(2) Le paragraphe 2 de l'article 3 est supprimé.

(3) Le paragraphe 3 de l'article 3 devient de ce fait le paragraphe 2.

Article II

(1) L'alinéa a) de l'article 4 est supprimé et remplacé par la disposition suivante :

«a) d'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique, à moins que le vendeur, à un moment quelconque avant la conclusion ou lors de la conclusion du contrat, n'ait pas su et n'ait pas été censé savoir que ces objets étaient achetés pour un tel usage.»

(2) L'alinéa e) de l'article 4 est supprimé et remplacé par la disposition suivante :

«e) de navires, bateaux, aéronefs et aéronefs.»

Article III

Le nouveau paragraphe 4 ci-après est ajouté à l'article 31 :

L'adhésion au Protocole de 1980 par un Etat qui n'est pas partie contractante à la Convention de 1974 sur la prescription aura l'effet d'une adhésion à la Convention telle que modifiée par le Protocole, sous réserve des dispositions de l'article 44 bis.

Article 44

1. La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt du dixième instrument de ratification ou d'adhésion.
2. Pour chacun des Etats qui ratifieront la Convention ou y adhéreront après le dépôt du dixième instrument de ratification ou d'adhésion, la Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

Article 44 bis (Article XI du Protocole)

Tout Etat qui devient partie contractante à la Convention de 1974 sur la prescription, telle que modifiée par le Protocole de 1980, et qui n'adresse pas de notification en sens contraire au depositaire, sera considéré comme étant également partie contractante à la Convention de 1974 sur la prescription non modifiée dans ses rapports avec toute partie contractante à cette dernière convention qui n'est pas devenue partie contractante au Protocole de 1980.

Article 45

1. Chaque Etat contractant pourra dénoncer la présente Convention par notification adressée à cet effet au Secrétaire général de l'Organisation des Nations Unies.
2. La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification.

Article 45 bis (Article XIII (3) du Protocole)

Tout Etat contractant à l'égard duquel le Protocole de 1980 cessera d'avoir effet en application des paragraphes 1 et 2 de l'article XIII du Protocole de 1980 demeurera partie contractante à la Convention de 1974 sur la prescription non modifiée, sauf dénonciation de cette convention effectuée conformément à l'article 45.

Article 46

L'original de la présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

Note infrapaginale : 1 Texte modifié conformément à l'article I du Protocole de 1980. Les Etats qui font une déclaration en vertu de l'article 36 bis (article XII du Protocole de 1980) seront liés par le texte de l'article 3 de la Convention de 1974 initialement adopté. Ce texte est le suivant :

«Article 3

1. La présente Convention ne s'applique que si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des Etats contractants;
2. Sauf disposition contraire de la présente Convention, celle-ci s'applique sans égard à la loi qui serait applicable en vertu des règles du droit international privé.

3. La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.

Note infrapaginale : 2 Le libellé des alinéas a) et c) de l'article 4 de la Convention de 1974 se lisaient comme suit :
«a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique;

e) De navires, bateaux et aéronefs;»

Note infrapaginale : 3 Nouveau paragraphe 4, ajouté conformément à l'article III du Protocole de 1980.

Note infrapaginale : 4 Texte modifié conformément à l'article IV du Protocole de 1980. Avant modification par le Protocole, l'article 34 de la Convention de 1974 se lisait comme suit :

«Article 34

Deux ou plusieurs Etats contractants peuvent déclarer à tout moment que les contrats de vente conclus entre des vendeurs ayant leur établissement sur le territoire d'un de ces Etats et des acheteurs ayant leur établissement sur le territoire d'un autre de ces Etats ne seront pas régis par la présente Convention parce que, sur les matières qu'elle tranche, ils appliquent des règles juridiques identiques ou voisines.»

Article 36

Tout Etat peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'est pas tenu d'appliquer les dispositions de l'article 24 de la présente Convention.

Article 36 bis (Article XII du Protocole)

Tout Etat peut déclarer, au moment du dépôt de son instrument d'adhésion ou de sa notification en vertu de l'article 43 bis, qu'il ne sera pas lié par les modifications de l'article 3 apportées à l'article I du Protocole de 1980 *Voir note infrapaginale* 5. Une déclaration en vertu du présent article devra être faite par écrit et notifiée formellement au depositaire.

Article 37 *Voir note infrapaginale* 6

La présente Convention ne prévaut pas sur un accord international déjà conclu ou à conclure qui contient des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des Etats parties à cet accord.

Article 38

1. Tout Etat contractant qui est partie à une convention existante relative à la vente internationale d'objets mobiliers corporels peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il appliquera la présente Convention exclusivement aux contrats de vente internationale d'objets mobiliers corporels définis dans cette convention existante.

2. Cette déclaration cessera d'avoir effet le premier jour du mois suivant l'expiration d'une période de douze mois après qu'une nouvelle convention sur la vente internationale d'objets mobiliers corporels, conclue sous les auspices de l'Organisation des Nations Unies, sera entrée en vigueur.

Article 39

Aucune autre réserve autre que celles faites conformément aux articles 34, 35, 36, 36 bis et 38 de la présente Convention n'est autorisée.

Article 40

1. Les déclarations faites en application de la présente Convention seront adressées au Secrétaire général de l'Organisation des Nations Unies et prendront effet à la date d'entrée en vigueur de la présente Convention à l'égard de l'Etat déclarant. Les déclarations faites postérieurement à cette entrée en vigueur prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de leur réception par le Secrétaire général de l'Organisation des Nations Unies. *Voir note infrapaginale* 7 Les déclarations unilatérales et réciproques faites en vertu de l'article 34 prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de la réception de la dernière déclaration par le Secrétaire général de l'Organisation des Nations Unies.

2. Tout Etat ayant fait une déclaration en vertu de la présente Convention peut à tout moment la retirer par une notification adressée au Secrétaire général de l'Organisation des Nations Unies. Ce retrait prend effet le premier jour du mois suivant l'expiration d'une période de six mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification. Dans le cas d'une déclaration faite en vertu de l'article 34, elle rendra également caduque, à partir de sa prise d'effet, toute déclaration réciproque faite par un autre Etat en vertu de ce même article.

TITRE IV : DISPOSITIONS FINALES

Article 41

La présente Convention *Voir note infrapaginale* 8 sera ouverte à la signature de tous les Etats, au Siège de l'Organisation des Nations Unies, jusqu'au 31 décembre 1975.

Article 42

La présente Convention est soumise à ratification. Les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43

La présente Convention *Voir note infrapaginale* 9 restera ouverte à l'adhésion de tout Etat. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43 bis (Article X du Protocole)

Si un Etat ratifie la Convention de 1974 sur la prescription ou y adhère après l'entrée en vigueur du Protocole de 1980, cette ratification ou cette adhésion constituera également une ratification de la Convention modifiée par le Protocole de 1980, ou une adhésion à ladite Convention à condition que l'Etat adresse au depositaire une notification à cet effet.

Si le dernier jour du délai de prescription est un jour férié ou tout autre jour de vacances judiciaires mettant obstacle à ce que la procédure soit entamée dans la juridiction où le créancier engage une procédure judiciaire ou revendique un droit comme prévu aux articles 13, 14 ou 15, le délai de prescription est prolongé de façon à englober le premier jour utile qui suit ledit jour férié ou jour de vacances judiciaires.

EFFET INTERNATIONAL

Article 30

Aux fins de la présente Convention, les actes et circonstances prévus aux articles 13 à 19 qui ont été accomplis ou se sont réalisés dans un Etat contractant produiront leur plein effet dans un autre Etat contractant, à condition que le créancier ait fait toute diligence pour que le débiteur en soit informé à bref délai.

TITRE II : MESURES D'APPLICATION

Article 31

1. Tout Etat contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles, selon sa constitution, des systèmes de droit différents s'appliquent dans les matières régies par la présente Convention pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles et pourra à tout moment amender cette déclaration en faisant une nouvelle déclaration.

2. Ces déclarations seront communiquées au Secrétaire général de l'Organisation des Nations Unies et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

3. Si un Etat contractant mentionné au paragraphe 1 du présent article ne fait aucune déclaration lors de la signature, de la ratification ou de l'adhésion, la Convention s'appliquera à l'ensemble du territoire de cet Etat.

4. *Voir note infrapaginale 3* Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou à plusieurs des unités territoriales d'un Etat contractant, mais non pas à toutes, et si l'établissement d'une partie au contrat est situé dans cet Etat, cet établissement sera considéré, aux fins de la présente Convention, comme n'étant pas situé dans un Etat contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.

Article 32

Lorsque dans la présente Convention il est fait référence à la loi d'un Etat dans lequel s'appliquent des systèmes juridiques différents, cette référence sera interprétée comme renvoyant à la loi du système juridique qui est concerné.

Article 33

Chaque Etat contractant appliquera les dispositions de la présente Convention aux contrats qui ont été conclus à partir de l'entrée en vigueur de la Convention.

TITRE III : DECLARATIONS ET RESERVES

Article 34 Voir note infrapaginale 4

1. Deux ou plusieurs Etats contractants qui, dans des matières régies par la présente Convention, appliquent des règles juridiques identiques ou voisines peuvent, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente faites conjointement ou être unilatérales et réciproques.

2. Un Etat contractant qui, dans des matières régies par la présente Convention, applique des règles juridiques identiques ou voisines de celles d'un ou de plusieurs Etats non contractants peut, à tout moment, déclarer que la Convention ne s'appliquera pas aux contrats de vente internationale de marchandises lorsque les parties ont leur établissement dans ces Etats.

3. Lorsqu'un Etat à l'égard duquel une déclaration a été faite en vertu du paragraphe 2 du présent article devient par la suite Etat contractant, la déclaration mentionnée aura, à partir de la date à laquelle la présente Convention entrera en vigueur à l'égard de ce nouvel Etat contractant, les effets d'une déclaration faite en vertu du paragraphe 1, à condition que le nouvel Etat contractant s'y associe ou fasse une déclaration unilatérale à titre réciproque.

Article 35

Tout Etat contractant peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'appliquera pas les dispositions de la présente Convention aux actions en annulation du contrat.

2. Le paiement des intérêts ou l'exécution partielle d'une obligation par le débiteur a le même effet pour l'application du paragraphe 1 du présent article qu'une reconnaissance, s'il peut raisonnablement être déduit de ce paiement ou de cette exécution que le débiteur reconnaît son obligation.

Article 21

Lorsqu'en raison de circonstances qui ne lui sont pas imputables et qu'il ne pouvait ni éviter ni surmonter, le créancier est dans l'impossibilité de faire cesser le cours de la prescription, le délai est prolongé d'un an à partir du moment où lesdites circonstances ont cessé d'exister.

MODIFICATION DU DÉLAI DE PRESCRIPTION PAR LES PARTIES

Article 22

1. Le délai de prescription ne peut être modifié, ni son cours changé, par une déclaration des parties ou par voie d'accord entre elles, sauf dans les cas prévus au paragraphe 2.

2. Le débiteur peut à tout moment, pendant le cours du délai de prescription, prolonger ce délai par une déclaration écrite adressée au créancier. Cette déclaration peut être renouvelée.

3. Les dispositions du présent article n'affectent pas la validité de toute clause du contrat de vente stipulant que la procédure d'arbitrage peut être engagée dans un délai de prescription plus bref que celui qui est prévu par la présente Convention, à condition que ladite clause soit valable au regard de la loi applicable au contrat de vente.

LIMITATION GÉNÉRALE DU DÉLAI DE PRESCRIPTION

Article 23

Nonobstant les dispositions de la présente Convention, tout délai de prescription expire dix ans au plus tard après la date à laquelle il a commencé à courir conformément aux articles 9, 10, 11 et 12 de la présente Convention.

EFFETS DE L'EXPIRATION DU DÉLAI DE PRESCRIPTION

Article 24

L'expiration du délai de prescription n'est prise en considération dans toute procédure que si elle est invoquée par la partie intéressée.

Article 25

1. Sous réserve des dispositions du paragraphe 2 du présent article et de celles de l'article 24, aucun droit n'est reconnu ni rendu exécutoire dans aucune procédure entamée après l'expiration du délai de prescription.

2. Nonobstant l'expiration du délai de prescription, une partie peut invoquer un droit et l'opposer à l'autre partie comme moyen de défense ou de compensation, à condition dans ce dernier cas :

- a) Que les deux créances soient nées du même contrat ou de plusieurs contrats conclus au cours de la même transaction; ou
- b) Que les créances aient pu faire l'objet d'une compensation à un moment quelconque avant l'expiration du délai de prescription.

Article 26

Si le débiteur exécute son obligation après l'expiration du délai de prescription, il n'a pas le droit de demander la restitution, même s'il ignorait au moment de l'exécution de son obligation que le délai de prescription était expiré.

Article 27

L'expiration du délai de prescription quant au principal de la dette a le même effet quant aux intérêts de celle-ci.

CALCUL DU DÉLAI DE PRESCRIPTION

Article 28

1. Le délai de prescription est calculé de manière à expirer à minuit le jour dont la date correspond à celle à laquelle le délai a commencé à courir. À défaut de date correspondante, le délai de prescription expire à minuit le dernier jour du dernier mois du terme.

2. Le délai de prescription est calculé par référence à la date du lieu où la procédure est engagée.

CESSATION DU COURS ET PROLONGATION DU DÉLAI INITIAL

Article 13

Le délai de prescription cesse de courir lorsque le créancier accomplit tout acte qui, d'après la loi de la juridiction saisie, est considéré comme introductif d'une procédure judiciaire contre le débiteur. Il en est de même lorsque le créancier forme au cours d'une procédure déjà engagée une demande qui manifeste sa volonté de faire valoir son droit contre le débiteur.

Article 14

1. Lorsque les parties sont convenues de soumettre leur différend à l'arbitrage, le délai de prescription cesse de courir à partir de la date à laquelle l'une des parties engage la procédure d'arbitrage de la manière prévue par la convention d'arbitrage ou par la loi applicable à cette procédure.

2. En l'absence de toute disposition à cet égard, la procédure d'arbitrage est réputée engagée à la date à laquelle la demande d'arbitrage est notifiée à la résidence habituelle ou à l'établissement de l'autre partie ou, à défaut, à sa dernière résidence ou son dernier établissement connus.

Article 15

Dans toute procédure autre que celles prévues aux articles 13 et 14, le délai de prescription cesse de courir lorsque le créancier fait valoir son droit afin d'en obtenir la reconnaissance ou l'exécution, sous réserve des dispositions de la loi régissant cette procédure.

Il en est ainsi notamment des procédures introduites à l'occasion :

- a) Du décès ou de l'incapacité du débiteur;
- b) De la faillite ou de toute situation d'insolvabilité concernant l'ensemble des biens du débiteur; ou
- c) De la dissolution ou de la liquidation d'une société, association ou entité lorsque celle-ci est le débiteur.

Article 16

Aux fins des articles 13, 14 et 15, une demande reconventionnelle est considérée comme ayant été introduite à la même date que l'acte relatif au droit auquel elle est opposée, à condition que tant la demande principale que la demande reconventionnelle dérivent du même contrat ou de plusieurs contrats conclus au cours de la même opération.

Article 17

1. Lorsqu'une procédure a été introduite conformément aux articles 13, 14, 15 ou 16 avant l'expiration du délai de prescription, celui-ci est réputé avoir continué de courir si la procédure s'est terminée sans qu'une décision ait été rendue sur le fond de l'affaire.

2. Lorsqu'à la fin de cette procédure, le délai de prescription est expiré ou doit expirer dans moins d'un an, le créancier bénéficie d'un délai d'un an à partir de la fin de la procédure.

Article 18

1. Une procédure introduite contre un débiteur fait cesser le cours de la prescription à l'égard d'un codébiteur solidaire si le créancier informe ce dernier par écrit de l'introduction de la procédure avant l'expiration du délai de prescription prévu dans la présente Convention.

2. Lorsqu'une procédure est introduite par un sous-acquéreur contre l'acheteur, le délai de prescription prévu dans la présente Convention cesse de courir, quant au recours de l'acheteur contre le vendeur, si l'acheteur a informé par écrit le vendeur, avant l'expiration dudit délai, de l'introduction de la procédure.

3. Lorsque la procédure visée aux paragraphes 1 et 2 du présent article s'est terminée, le délai de prescription du recours du créancier ou de l'acheteur contre le débiteur solidaire ou contre le vendeur est réputé ne pas avoir cessé de courir en vertu des paragraphes 1 et 2 du présent article; le créancier ou l'acheteur dispose toutefois d'un délai supplémentaire d'un an à partir de la date à laquelle la procédure s'est terminée, si à ce moment-là le délai de prescription est venu à expiration ou s'il lui reste moins d'un an à courir.

Article 19

Lorsque le créancier accomplit, dans l'Etat où le débiteur a son établissement et avant l'expiration du délai de prescription, un acte autre que ceux prévus aux articles 13, 14, 15 et 16 qui, d'après la loi de cet Etat, a pour effet de rouvrir un délai de prescription, un nouveau délai de quatre ans commence à courir à partir de la date fixée par cette loi.

Article 20

1. Lorsque, avant l'expiration du délai de prescription, le débiteur reconnaît par écrit son obligation envers le créancier, un nouveau délai de quatre ans commence à courir à partir de ladite reconnaissance.

- c) Tout privilège, gage ou autre sûreté;
- d) Toute décision ou sentence arbitrale rendues à la suite d'une procédure;
- e) Tout titre exécutoire selon la loi du lieu où l'exécution est demandée;
- f) Toute lettre de change ou tout chèque ou billet à ordre.

Article 6

1. La présente Convention ne s'applique pas aux contrats dans lesquels la partie prépondérante des obligations du vendeur consiste en une fourniture de main-d'œuvre ou d'autres services.
 2. Sont assimilées aux ventes les contrats de fourniture d'objets mobiliers corporels à fabriquer ou à produire, à moins que la partie qui commande la chose n'ait à fournir une partie essentielle des éléments nécessaires à cette fabrication ou production.
- Dans l'interprétation et l'application de la présente Convention, il sera tenu compte de son caractère international et de la nécessité d'en promouvoir l'uniformité.

Article 7

DURÉE ET POINT DE DÉPART DU DÉLAI DE PRESCRIPTION

Article 8

Le délai de prescription est de quatre ans.

Article 9

1. Sous réserve des dispositions des articles 10, 11, et 12, le délai de prescription court à partir de la date à laquelle l'action peut être exercée.
2. Le point de départ du délai de prescription n'est pas retardé :
 - a) Lorsqu'une partie donne à l'autre partie une notification au sens du paragraphe 2 de l'article premier; ou
 - b) Lorsque la convention d'arbitrage prévoit qu'aucun droit ne prendra naissance tant qu'une sentence arbitrale n'aura pas été rendue.

Article 10

1. Une action résultant d'une contravention au contrat peut être exercée à partir de la date à laquelle cette contravention s'est produite.
2. Une action fondée sur un défaut de conformité de la chose peut être exercée à partir de la date à laquelle la chose a été effectivement remise à l'acheteur ou l'offre de remise de la chose refusée par l'acheteur.
3. Une action fondée sur un dol commis avant la conclusion du contrat ou au moment de cette conclusion ou résultant d'agissements frauduleux ultérieurs peut être exercée, pour l'application de l'article 9, à partir de la date à laquelle le fait a été ou aurait raisonnablement dû être découvert.

Article 11

Si le vendeur a donné, en ce qui concerne la chose vendue, une garantie expresse valable pendant un certain laps de temps ou déterminée de toute autre manière, le délai de prescription d'une action fondée sur la garantie commence à courir à partir de la date à laquelle l'acheteur notifie au vendeur le fait motivant l'exercice de son action et, au plus tard, à partir de la date d'expiration de la garantie.

Article 12

1. Lorsque, dans les cas prévus par la loi applicable au contrat, une partie déclare la résolution du contrat avant la date fixée pour son exécution, le délai de prescription court à partir de la date à laquelle la déclaration est adressée à l'autre partie. Si la résolution du contrat n'est pas déclarée avant la date fixée pour l'exécution, le délai de prescription ne court qu'à partir de cette date.
2. Le délai de prescription de tout droit fondé sur l'inexécution par une partie d'un contrat prévoyant des prestations ou des paiements échelonnés court, pour chacune des obligations à exécution successive, à partir de la date à laquelle l'inexécution qui les affecte s'est produite. Lorsque, d'après la loi applicable au contrat, une partie déclare la résolution du contrat en raison de cette inexécution, le délai de prescription de toutes les obligations à exécution successive court à partir de la date à laquelle la déclaration est adressée à l'autre partie.

a) Les termes «acheteur», «vendeur» et «partie» désignent les personnes qui achètent ou vendent ou qui sont engagées à acheter ou à vendre des objets mobiliers corporels, et les personnes qui sont leurs successeurs ou ayants cause pour les droits et les obligations découlant du contrat de vente;

b) Le terme «créancier» désigne toute partie qui fait valoir un droit, que celui-ci ait ou non pour objet le paiement d'une somme d'argent;

c) Le terme «débiteur» désigne toute partie contre laquelle un créancier fait valoir un droit;

d) L'expression «contravention au contrat» s'entend de toute inexécution par une partie de ses obligations ou de toute exécution qui n'est pas conforme au contrat;

e) Le terme «procédure» s'entend de toute procédure judiciaire, arbitrale ou administrative;

f) Le terme «personne» doit s'entendre également de toute société, association ou entité, qu'elles soient privées ou publiques, capables d'estimer en justice;

g) Le terme «écrit» doit s'entendre également des communications adressées par télégramme ou par télex;

h) Le terme «année» désigne une année comptée selon le calendrier grégorien.

Article 2

Aux fins de la présente Convention :

a) Un contrat de vente d'objets mobiliers corporels est réputé avoir un caractère international si, au moment de la conclusion du contrat, l'acheteur et le vendeur ont leur établissement dans des Etats différents;

b) Le fait que les parties ont leur établissement dans des Etats différents ne peut être pris en considération que s'il ressort du contrat ou de négociations entre les parties ou d'informations données par elles avant la conclusion du contrat ou à ce moment;

c) Si une partie à un contrat de vente d'objets mobiliers corporels a des établissements dans plus d'un Etat, l'établissement est celui qui a la relation la plus étroite avec le contrat et son exécution eu égard aux circonstances connues des parties ou envisagées par elles au moment de la conclusion du contrat;

d) Si une partie n'a pas d'établissement habituelle sera prise en considération;

e) Ni la nationalité des parties ni la qualité ou le caractère civil ou commercial des parties ou du contrat ne sont pris en considération.

Article 3 Voir note infrapaginale 1

1. La présente Convention ne s'applique que :

a) Si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des Etats contractants; ou

b) Si les règles du droit international privé rendent applicable au contrat de vente la loi d'un Etat contractant.

2. La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.

Article 4 Voir note infrapaginale 2

La présente Convention ne régit pas les ventes :

a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique, à moins que le vendeur, à un moment quelconque avant la conclusion ou lors de la conclusion du contrat, n'ait pas su et n'ait pas été censé savoir que ces objets étaient achetés pour un tel usage;

b) Aux enchères;

c) Sur saisie ou de quelque autre manière par autorité de justice;

d) De valeurs mobilières, effets de commerce et monnaies;

e) De navires, bateaux, aéronefs et aéronefs;

f) D'électricité.

Article 5

La présente Convention ne s'applique pas aux droits fondés sur :

a) Tout dommage corporel ou le décès d'une personne;

b) Tout dommage nucléaire causé par la chose vendue;

Article 44

1 La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt du dixième instrument de ratification ou d'adhésion.

2 Pour chacun des Etats qui ratifieront la Convention ou y adhèreront après le dépôt du dixième instrument de ratification ou d'adhésion, la Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de six mois après la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

Article 45

1 Chaque Etat contractant pourra dénoncer la présente Convention par notification adressée à cet effet au Secrétaire général de l'Organisation des Nations Unies.

2 La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification.

Article 46

L'original de la présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

ANNEXE 3

CONVENTION SUR LA PRESCRIPTION EN MATIERE DE VENTE INTERNATIONALE DE MARCHANDISES

MODIFIEE PAR LE PROTOCOLE

NOTE LIMINAIRE

1 La Convention sur la prescription en matière de vente internationale de marchandises (ci-après appelée la Convention de 1974 sur la prescription) a été conclue à New York le 14 juin 1974. Un protocole modifiant la Convention de 1974 sur la prescription (ci-après appelé le Protocole de 1980) a été conclu à Vienne le 11 avril 1980.

2 La Convention de 1974 sur la prescription et le Protocole de 1980 sont tous deux entrés en vigueur le 1^{er} août 1988, en application du paragraphe 1 de l'article 44 de la Convention de 1974 sur la prescription et du paragraphe 1 de l'article IX du Protocole de 1980.

3 Conformément au paragraphe 2 de l'article XIV du Protocole de 1980, le texte de la Convention de 1974 sur la prescription, tel que modifié par le Protocole de 1980, a été établi par le Secrétaire général et figure ci-après.

4 Les modifications des articles de la Convention de 1974 sur la prescription prévues par le Protocole de 1980 ont été incorporées au présent texte. Afin de faciliter les références, le texte d'origine des dispositions de la Convention de 1974 sur la prescription qui ont été modifiées par le Protocole de 1980 est reproduit dans des notes de bas de page. Sont également incorporés dans le présent texte les dispositions de fond voulues (clauses finales) du Protocole de 1980 ainsi que des ajouts introduits pour des raisons de forme. Par souci de clarté, on a affecté des numéros *bis* aux articles du Protocole de 1980 qui ont été incorporés dans le présent texte de la Convention de 1974 sur la prescription telle que modifiée, le numéro correspondant des articles du Protocole de 1980 étant indiqué entre parenthèses.

PRÉAMBULE

Les Etats Parties à la présente Convention,

Considérant que le commerce international est un facteur important pour la promotion de relations amicales entre les Etats, Estimant que l'adoption de règles uniformes régissant le délai de prescription en matière de vente internationale d'objets mobiliers corporels faciliterait le développement du commerce mondial,

Sont convenus de ce qui suit :

TITRE I : DISPOSITIONS GÉNÉRALES

CHAMP D'APPLICATION

Article premier

1 La présente Convention détermine les conditions dans lesquelles les droits et actions réciproques d'un acheteur et d'un vendeur, issus d'un contrat de vente internationale d'objets mobiliers corporels, ou concernant une convention à ce contrat, sa résolution ou sa nullité, ne peuvent plus être exercés en raison de l'expiration d'un certain laps de temps. Ce laps de temps est désigné dans cette convention par l'expression «le délai de prescription».

2 La présente Convention n'affecte pas un délai pendant lequel une partie doit donner notification à l'autre ou accomplir tout acte, autre que l'ouverture d'une procédure, sous peine de ne pouvoir exercer son droit.

3 Dans la présente Convention :

Deux ou plusieurs Etats contractants peuvent déclarer à tout moment que les contrats de vente conclus entre des vendeurs ayant leur établissement sur le territoire d'un de ces Etats et des acheteurs ayant leur établissement sur le territoire d'un autre de ces Etats ne seront pas régis par la présente Convention parce que, sur les matières qu'elle tranche, ils appliquent des règles juridiques identiques ou voisines.

Article 34

Tout Etat contractant peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'appliquera pas les dispositions de la présente Convention aux actions en annulation du contrat.

Article 36

Tout Etat peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il n'est pas tenu d'appliquer les dispositions de l'article 24 de la présente Convention.

Article 37

La présente Convention ne déroge pas aux conventions déjà conclues ou à conclure et qui contiennent des dispositions concernant les matières régies par la présente Convention, à condition que le vendeur et l'acheteur aient leur établissement dans des Etats parties à l'une de ces conventions.

Article 38

1 Tout Etat contractant qui est partie à une convention existante relative à la vente internationale d'objets mobiliers corporels peut déclarer, au moment du dépôt de son instrument de ratification ou d'adhésion, qu'il appliquera la présente Convention exclusivement aux contrats de vente internationale d'objets mobiliers corporels définis dans cette convention existante.

2 Cette déclaration cessera d'avoir effet le premier jour du mois suivant l'expiration d'une période de douze mois après qu'une nouvelle convention sur la vente internationale d'objets mobiliers corporels, conclue sous les auspices de l'Organisation des Nations Unies, sera entrée en vigueur.

Article 39

Aucune autre réserve autre que celles faites conformément aux articles 34, 35, 36 et 38 de la présente Convention n'est autorisée.

Article 40

1 Les déclarations faites en application de la présente Convention seront adressées au Secrétaire général de l'Organisation des Nations Unies et prendront effet à la date d'entrée en vigueur de la présente Convention à l'égard de l'Etat déclarant. Les déclarations faites postérieurement à cette entrée en vigueur prendront effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de leur réception par le Secrétaire général de l'Organisation des Nations Unies.

2 Tout Etat ayant fait une déclaration en vertu de la présente Convention peut à tout moment la retirer par une notification adressée au Secrétaire général de l'Organisation des Nations Unies. Ce retrait prend effet le premier jour du mois suivant l'expiration d'une période de six mois après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies en aura reçu notification. Dans le cas d'une déclaration faite en vertu de l'article 34, elle rendra également caduque, à partir de sa prise d'effet, toute déclaration réciproque faite par un autre Etat en vertu de ce même article.

TITRE IV. DISPOSITIONS FINALES

Article 41

La présente Convention sera ouverte à la signature de tous les Etats, au Siège de l'Organisation des Nations Unies, jusqu'au 31 décembre 1975.

Article 42

La présente Convention est soumise à ratification. Les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 43

La présente Convention restera ouverte à l'adhésion de tout Etat. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 25

1 Sous réserve des dispositions du paragraphe 2 du présent article et de celles de l'article 24, aucun droit n'est reconnu ni rendu exécutoire dans aucune procédure entamée après l'expiration du délai de prescription.

2 Nonobstant l'expiration du délai de prescription, une partie peut invoquer un droit et l'opposer à l'autre partie comme moyen de défense ou de compensation, à condition dans ce dernier cas :

a) Que les deux créances soient nées du même contrat ou de plusieurs contrats conclus au cours de la même transaction; ou

b) Que les créances aient pu faire l'objet d'une compensation à un moment quelconque avant l'expiration du délai de prescription.

Article 26

Si le débiteur exécute son obligation après l'expiration du délai de prescription, il n'a pas le droit de demander la restitution, même s'il ignorait au moment de l'exécution de son obligation que le délai de prescription était expiré.

Article 27

L'expiration du délai de prescription quant au principal de la dette a le même effet quant aux intérêts de celle-ci.

CALCUL DU DÉLAI DE PRESCRIPTION

Article 28

1 Le délai de prescription est calculé de manière à expirer à minuit le jour dont la date correspond à celle à laquelle le délai a commencé à courir. À défaut de date correspondante, le délai de prescription expire à minuit le dernier jour du dernier mois du terme.

2 Le délai de prescription est calculé par référence à la date du lieu où la procédure est engagée.

Article 29

Si le dernier jour du délai de prescription est un jour férié ou tout autre jour de vacances judiciaires mettant obstacle à ce que la procédure soit entamée dans la juridiction où le créancier engage une procédure judiciaire ou revendique un droit comme prévu aux articles 13, 14 ou 15, le délai de prescription est prolongé de façon à englober le premier jour utile qui suit ledit jour férié ou jour de vacances judiciaires.

EFFET INTERNATIONAL

Article 30

Aux fins de la présente Convention, les actes et circonstances prévus aux articles 13 à 19 qui ont été accomplis ou se sont réalisés dans un Etat contractant produiront leur plein effet dans un autre Etat contractant, à condition que le créancier ait fait toute diligence pour que le débiteur en soit informé à bref délai.

TITRE II. MESURES D'APPLICATION

Article 31

1 Tout Etat contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles, selon sa constitution, des systèmes de droit différents s'appliquent dans les matières régies par la présente Convention pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou plusieurs d'entre elles et pourra à tout moment amender cette déclaration en faisant une nouvelle déclaration.

2 Ces déclarations seront communiquées au Secrétaire général de l'Organisation des Nations Unies et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

3 Si un Etat contractant mentionné au paragraphe 1 du présent article ne fait aucune déclaration lors de la signature, de la ratification ou de l'adhésion, la Convention s'appliquera à l'ensemble du territoire de cet Etat.

Article 32

Lorsque dans la présente Convention, il est fait référence à la loi d'un Etat dans lequel s'appliquent des systèmes juridiques différents, cette référence sera interprétée comme renvoyant à la loi du système juridique qui est concerné.

Article 33

Chaque Etat contractant appliquera les dispositions de la présente Convention aux contrats qui ont été conclus à partir de l'entrée en vigueur de la Convention.

1 Lorsque une procédure a été introduite conformément aux articles 13, 14, 15 ou 16 avant l'expiration du délai de prescription, celui-ci est réputé avoir continué de courir si la procédure s'est terminée sans qu'une décision ait été rendue sur le fond de l'affaire.

2 Lorsque à la fin de cette procédure, le délai de prescription était expiré ou devait expirer dans moins d'un an, le créancier bénéficie d'un délai d'un an à partir de la fin de la procédure.

Article 18

1 Une procédure introduite contre un débiteur fait cesser le cours de la prescription à l'égard d'un codébiteur solidaire si le créancier informe ce dernier par écrit de l'introduction de la procédure avant l'expiration du délai de prescription prévu dans la présente Convention.

2 Lorsque une procédure est introduite par un sous-acquéreur contre l'acheteur, le délai de prescription prévu dans la présente Convention cesse de courir, quant au recours de l'acheteur contre le vendeur, si l'acheteur a informé par écrit le vendeur, avant l'expiration dudit délai, de l'introduction de la procédure.

3 Lorsque la procédure visée aux paragraphes 1 et 2 du présent article s'est terminée, le délai de prescription du recours du créancier ou de l'acheteur contre le débiteur solidaire ou contre le vendeur est réputé ne pas avoir cessé de courir en vertu des paragraphes 1 et 2 du présent article; le créancier ou l'acheteur dispose toutefois d'un délai supplémentaire d'un an à partir de la date à laquelle la procédure s'est terminée, si à ce moment-là le délai de prescription est venu à expiration ou s'il lui reste moins d'un an à courir.

Article 19

Lorsque le créancier accomplit, dans l'Etat où le débiteur a son établissement et avant l'expiration du délai de prescription, un acte autre que ceux prévus aux articles 13, 14, 15 et 16 qui, d'après la loi de cet Etat, a pour effet de rouvrir un délai de prescription, un nouveau délai de quatre ans commence à courir à partir de la date fixée par cette loi.

Article 20

1 Lorsque, avant l'expiration du délai de prescription, le débiteur reconnaît par écrit son obligation envers le créancier, un nouveau délai de prescription de quatre ans commence à courir à partir de ladite reconnaissance.

2 Le paiement des intérêts ou l'exécution partielle d'une obligation par le débiteur a le même effet pour l'application du paragraphe 1 du présent article qu'une reconnaissance, s'il peut raisonnablement être déduit de ce paiement ou de cette exécution que le débiteur reconnaît son obligation.

Article 21

Lorsqu'en raison de circonstances qui ne lui sont pas imputables et qu'il ne pouvait ni éviter ni surmonter, le créancier est dans l'impossibilité de faire cesser le cours de la prescription, le délai est prolongé d'un an à partir du moment où lesdites circonstances ont cessé d'exister.

MODIFICATION DU DÉLAI DE PRESCRIPTION PAR LES PARTIES

Article 22

1 Le délai de prescription ne peut être modifié, ni son cours changé, par une déclaration des parties ou par voie d'accord entre elles, sauf dans les cas prévus au paragraphe 2.

2 Le débiteur peut à tout moment, pendant le cours du délai de prescription, prolonger ce délai par une déclaration écrite adressée au créancier. Cette déclaration peut être renouvelée.

3 Les dispositions du présent article n'affectent pas la validité de toute clause du contrat de vente stipulant que la procédure d'arbitrage peut être engagée dans un délai de prescription plus bref que celui qui est prévu par la présente Convention, à condition que ladite clause soit valable au regard de la loi applicable au contrat de vente.

LIMITATION GÉNÉRALE DU DÉLAI DE PRESCRIPTION

Article 23

Nonobstant les dispositions de la présente Convention, tout délai de prescription expire dix ans au plus tard après la date à laquelle il a commencé à courir conformément aux articles 9, 10, 11 et 12 de la présente Convention.

EFFETS DE L'EXPIRATION DU DÉLAI DE PRESCRIPTION

Article 24

L'expiration du délai de prescription n'est prise en considération dans toute procédure que si elle est invoquée par la partie intéressée.

1 Une action résultant d'une contravention au contrat peut être exercée à partir de la date à laquelle cette contravention s'est produite.

2 Une action fondée sur un défaut de conformité de la chose peut être exercée à partir de la date à laquelle la chose a été effectivement remise à l'acheteur ou l'offre de remise de la chose refusée par l'acheteur.

3 Une action fondée sur un dol commis avant la conclusion du contrat ou au moment de cette conclusion ou résultant d'agissements frauduleux ultérieurs peut être exercée, pour l'application de l'article 9, à partir de la date à laquelle le fait a été ou aurait raisonnablement dû être découvert.

Article 11

Si le vendeur a donné, en ce qui concerne la chose vendue, une garantie expresse valable pendant un certain laps de temps ou déterminée de toute autre manière, le délai de prescription d'une action fondée sur la garantie commence à courir à partir de la date à laquelle l'acheteur notifie au vendeur le fait motivant l'exercice de son action et, au plus tard, à partir de la date d'expiration de la garantie.

Article 12

1 Lorsque, dans les cas prévus par la loi applicable au contrat, une partie déclare la résolution du contrat avant la date fixée pour son exécution, le délai de prescription court à partir de la date à laquelle la déclaration est adressée à l'autre partie. Si la résolution du contrat n'est pas déclarée avant la date fixée pour l'exécution, le délai de prescription ne court qu'à partir de cette date.

2 Le délai de prescription de tout droit fondé sur l'inexécution par une partie d'un contrat prévoyant des prestations ou des paiements échelonnés court, pour chacune des obligations à exécution successive, à partir de la date à laquelle l'inexécution qui les affecte s'est produite. Lorsque, d'après la loi applicable au contrat, une partie déclare la résolution du contrat en raison de cette inexécution, le délai de prescription de toutes les obligations à exécution successive court à partir de la date à laquelle la déclaration est adressée à l'autre partie.

CESSATION DU COURS ET PROLONGATION DU DÉLAI INITIAL

Article 13

Le délai de prescription cesse de courir lorsque le créancier accomplit tout acte qui, d'après la loi de la juridiction saisie, est considéré comme introductif d'une procédure judiciaire contre le débiteur. Il en est de même lorsque le créancier forme au cours d'une procédure déjà engagée une demande qui manifeste sa volonté de faire valoir son droit contre le débiteur.

Article 14

1 Lorsque les parties sont convenues de soumettre leur différend à l'arbitrage, le délai de prescription cesse de courir à partir de la date à laquelle l'une des parties engage la procédure d'arbitrage de la manière prévue par la convention d'arbitrage ou par la loi applicable à cette procédure.

2 En l'absence de toute disposition à cet égard, la procédure d'arbitrage est réputée engagée à la date à laquelle la demande d'arbitrage est notifiée à la résidence habituelle ou à l'établissement de l'autre partie ou, à défaut, à sa dernière résidence ou son dernier établissement connus.

Article 15

Dans toute procédure autre que celles prévues aux articles 13 et 14, le délai de prescription cesse de courir lorsque le créancier fait valoir son droit afin d'en obtenir la reconnaissance ou l'exécution, sous réserve des dispositions de la loi régissant cette procédure.

Il en est ainsi notamment des procédures introduites à l'occasion :

- a) Du décès ou de l'incapacité du débiteur;
- b) De la faillite ou de toute situation d'insolvabilité concernant l'ensemble des biens du débiteur; ou
- c) De la dissolution ou de la liquidation d'une société, association ou entité lorsque celle-ci est le débiteur.

Article 16

Aux fins des articles 13, 14 et 15, une demande reconventionnelle est considérée comme ayant été introduite à la même date que l'acte relatif au droit auquel elle est opposée, à condition que tant la demande principale que la demande reconventionnelle dérivent du même contrat ou de plusieurs contrats conclus au cours de la même opération.

e) Ni la nationalité des parties ni la qualité ou le caractère civil ou commercial des parties ou du contrat ne sont pris en considération.

Article 3

1 La présente Convention ne s'applique que si, au moment de la conclusion du contrat, les parties à un contrat de vente internationale d'objets mobiliers corporels ont leur établissement dans des Etats contractants.

2 Sauf disposition contraire de la présente Convention, celle-ci s'applique sans égard à la loi qui serait applicable en vertu des règles du droit international privé.

3 La présente Convention ne s'applique pas lorsque les parties ont expressément exclu son application.

Article 4

La présente Convention ne régit pas les ventes :

a) D'objets mobiliers corporels achetés pour un usage personnel, familial ou domestique;

b) Aux enchères;

c) Sur saisie ou de quelque autre manière par autorité de justice;

d) De valeurs mobilières, effets de commerce et monnaies;

e) De navires, bateaux et aéronefs;

f) D'électricité.

Article 5

La présente Convention ne s'applique pas aux droits fondés sur :

a) Tout dommage corporel ou le décès d'une personne;

b) Tout dommage nucléaire causé par la chose vendue;

c) Tout privilège, gage ou autre sûreté;

d) Toute décision ou sentence arbitrale rendues à la suite d'une procédure;

e) Tout titre exécutoire selon la loi du lieu où l'exécution est demandée;

f) Toute lettre de change ou tout chèque ou billet à ordre.

Article 6

1 La présente Convention ne s'applique pas aux contrats dans lesquels la partie prépondérante des obligations du vendeur consiste en une fourniture de main d'œuvre ou d'autres services.

2 Sont assimilées aux ventes les contrats de fourniture d'objets mobiliers corporels à fabriquer ou à produire, à moins que la partie qui commande la chose n'ait à fournir une partie essentielle des éléments nécessaires à cette fabrication ou production.

Article 7

Dans l'interprétation et l'application de la présente Convention, il sera tenu compte de son caractère international et de la nécessité d'en promouvoir l'uniformité.

DURÉE ET POINT DE DÉPART DU DÉLAI DE PRESCRIPTION

Article 8

Le délai de prescription est de quatre ans.

Article 9

1 Sous réserve des dispositions des articles 10, 11 et 12, le délai de prescription court à partir de la date à laquelle l'action peut être exercée.

2 Le point de départ du délai de prescription n'est pas retardé :

a) Lorsque une partie donne à l'autre partie une notification au sens du paragraphe 2 de l'article premier; ou

b) Lorsque la convention d'arbitrage prévoit qu'aucun droit ne prendra naissance tant qu'une sentence arbitrale n'aura pas été rendue.

- b) exclure autrement l'application d'une convention qui figure à l'annexe 1, 2 ou 3, y déroger ou en modifier les effets, selon ce que prévoient les dispositions de la convention en cause.
- 3 Le titre de l'annexe de la Loi est modifié par insertion de «1» après «Annexe».
- 4 La Loi est modifiée par adjonction des annexes suivantes :

ANNEXE 2 CONVENTION SUR LA PRESCRIPTION EN MATIERE DE VENTE INTERNATIONALE DE MARCHANDISES

PRÉAMBULE

Les Etats Parties à la présente Convention,

Considérant que le commerce international est un facteur important pour la promotion de relations amicales entre les Etats,

Estimant que l'adoption de règles uniformes régissant le délai de prescription en matière de vente internationale d'objets mobiliers corporels faciliterait le développement du commerce mondial,

Sont convenus de ce qui suit :

TITRE I. DISPOSITIONS GÉNÉRALES

CHAMP D'APPLICATION

Article premier

- 1 La présente Convention détermine les conditions dans lesquelles les droits et actions réciproques d'un acheteur et d'un vendeur, issus d'un contrat de vente internationale d'objets mobiliers corporels, ou concernant une convention à ce contrat, sa résolution ou sa nullité, ne peuvent plus être exercés en raison de l'expiration d'un certain laps de temps. Ce laps de temps est désigné dans cette convention par l'expression «le délai de prescription».
- 2 La présente Convention n'affecte pas un délai pendant lequel une partie doit donner notification à l'autre ou accomplir tout acte, autre que l'ouverture d'une procédure, sous peine de ne pouvoir exercer son droit.
- 3 Dans la présente Convention :

- a) Les termes «acheteur», «vendeur» et «partie» désignent les personnes qui achètent ou vendent ou qui sont engagées à acheter ou à vendre des objets mobiliers corporels, et les personnes qui sont leurs successeurs ou ayants cause pour les droits et les obligations découlant du contrat de vente;
- b) Le terme «créancier» désigne toute partie qui fait valoir un droit, que celui-ci ait ou non pour objet le paiement d'une somme d'argent;
- c) Le terme «débiteur» désigne toute partie contre laquelle un créancier fait valoir un droit;
- d) L'expression «convention au contrat» s'entend de toute inexécution par une partie de ses obligations ou de toute exécution qui n'est pas conforme au contrat;
- e) Le terme «procédure» s'entend de toute procédure judiciaire, arbitrale ou administrative;
- f) Le terme «personne» doit s'entendre également de toute société, association ou entité, qu'elles soient privées ou publiques, capables d'estimer en justice;
- g) Le terme «écrit» doit s'entendre également des communications adressées par télégramme ou par télex;
- h) Le terme «année» désigne une année comptée selon le calendrier grégorien.

Article 2

Aux fins de la présente Convention :

- a) Un contrat de vente d'objets mobiliers corporels est réputé avoir un caractère international si, au moment de la conclusion du contrat, l'acheteur et le vendeur ont leur établissement dans des Etats différents;
- b) Le fait que les parties ont leur établissement dans des Etats différents ne peut être pris en considération que s'il ressort du contrat ou de négociations entre les parties ou d'informations données par elles avant la conclusion du contrat ou à ce moment;
- c) Si une partie à un contrat de vente d'objets mobiliers corporels a des établissements dans plus d'un Etat, l'établissement est celui qui a la relation la plus étroite avec le contrat et son exécution eu égard aux circonstances connues des parties ou envisagées par elles au moment de la conclusion du contrat;
- d) Si une partie n'a pas d'établissement, sa résidence habituelle sera prise en considération;

ANNEXE 8
MODIFICATIONS DE LA LOI SUR LA VENTE INTERNATIONALE DE MARCHANDISES

Loi sur la vente internationale de marchandises

1 Le titre de la *Loi sur la vente internationale de marchandises* est abrogé et remplacé par ce qui suit :

Loi sur les conventions de vente internationale

2 Les articles 1 à 6 de la *Loi* sont abrogés et remplacés par ce qui suit :

Définitions et interprétation

Définitions

1 (1) Les définitions qui suivent s'appliquent à la présente loi.

«Convention modifiée sur la prescription» La Convention visée au paragraphe 3 (3). («Amended Limitation Convention»)

«Convention sur la prescription» La Convention visée au paragraphe 3 (2). («Limitation Convention»)

«Protocole» Le Protocole modifiant la Convention sur la prescription en matière de vente internationale de marchandises, ouvert à la signature des États à Vienne le 11 avril 1980 et dont le texte est reproduit à l'annexe 4. («Protocol»)

Interprétation

(2) Les termes et expressions employés dans la présente loi s'entendent au sens des conventions dont le texte est reproduit aux annexes 1 à 3.

Incompatibilité

2 La présente loi l'emporte sur toute règle de droit incompatible.

Application des conventions

Convention sur les ventes

3 (1) La Convention des Nations Unies sur les contrats de vente internationale de marchandises, ouverte à la signature des États à Vienne le 11 avril 1980 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario.

Convention sur la prescription

(2) La Convention sur la prescription en matière de vente internationale de marchandises, ouverte à la signature des États à New York le 14 juin 1974 et dont le texte est reproduit à l'annexe 2, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes de l'article 44 de la Convention.

Convention modifiée sur la prescription

(3) La Convention sur la prescription en matière de vente internationale de marchandises, modifiée par le Protocole, établie conformément à l'article XIV du Protocole et dont le texte est reproduit à l'annexe 3, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes de l'article 44 de la Convention.

Application des conventions en ce qui concerne la prescription

4 (1) La Convention modifiée sur la prescription s'applique à l'égard des États qui sont parties contractantes à cette convention.

Idem

(2) La Convention sur la prescription s'applique à l'égard des États qui sont parties contractantes à cette convention, mais ne le sont pas à la Convention modifiée sur la prescription.

Recours à des documents externes pour l'interprétation des conventions en ce qui concerne la prescription

5 Pour interpréter la Convention modifiée sur la prescription et la Convention sur la prescription, il peut être fait appel aux documents suivants :

- a) le Rapport de la Commission des Nations Unies pour le droit commercial international sur les travaux de sa 5^e session (1972), Doc. off. AG NU 27^e session, suppl. n^o 17, Doc. NU A/8717;
- b) le Commentaire relatif à la Convention sur la prescription en matière de vente internationale de marchandises, Doc. NU A/CONF.63/17.

Non-application d'une convention par les parties

6 Les parties contractantes à un contrat peuvent :

- a) exclure l'application d'une convention qui figure à l'annexe 1, 2 ou 3 en prévoyant expressément dans le contrat qu'elle ne s'applique pas à ce dernier;

- a) les signatures, ratifications, acceptations et approbations visées à l'article 27;
- b) la date à laquelle la Convention entrera en vigueur conformément aux dispositions de l'article 30;
- c) les adhésions et les objections aux adhésions visées à l'article 28;
- d) les extensions visées à l'article 29;
- e) les déclarations visées à l'article 20;
- f) les réserves ou les retraits de réserve prévus à l'article 26;
- g) les dénonciations visées à l'article 31.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le premier juillet 1985, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Etats Membres de la Conférence de La Haye de droit international privé lors de sa Quinzième session.

CHAPITRE V CLAUSES FINALES

Article 26

Tout Etat, au moment de la signature, de la ratification, de l'acceptation, de l'adhésion, ou au moment d'une déclaration faite en vertu de l'article 29, pourra faire les réserves prévues aux articles 16, 21 et 22.

Aucune autre réserve ne sera admise.

Tout Etat contractant pourra, à tout moment, retirer une réserve qu'il aura faite; l'effet de la réserve cessera le premier jour du troisième mois du calendrier après la notification du retrait.

Article 27

La Convention est ouverte à la signature des Etats qui étaient Membres de la Conférence de La Haye de droit international privé lors de sa Quinzième session.

Elle sera ratifiée, acceptée ou approuvée et les instruments de ratification, d'acceptation ou d'approbation seront déposés auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas.

Article 28

Tout autre Etat pourra adhérer à la Convention après son entrée en vigueur en vertu de l'article 30, alinéa premier. L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas.

L'adhésion n'aura d'effet que dans les rapports entre l'Etat adhérent et les Etats contractants qui n'auront pas élevé d'objection à son encontre dans les douze mois après la réception de la notification prévue à l'article 32. Une telle objection pourra également être élevée par tout Etat Membre au moment d'une ratification, acceptation ou approbation de la Convention, ultérieure à l'adhésion. Ces objections seront notifiées au Ministère des Affaires Etrangères du Royaume des Pays-Bas.

Article 29

Un Etat qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent pourra, au moment de la signature, de la ratification, de l'acceptation, de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles, et pourra à tout moment modifier cette déclaration en faisant une nouvelle déclaration.

Ces déclarations seront notifiées au Ministère des Affaires Etrangères du Royaume des Pays-Bas et indiqueront expressément les unités territoriales auxquelles la Convention s'applique.

Si un Etat ne fait pas de déclaration en vertu du présent article, la Convention s'appliquera à l'ensemble du territoire de cet Etat.

Article 30

La Convention entrera en vigueur le premier jour du troisième mois du calendrier après le dépôt du troisième instrument de ratification, d'acceptation ou d'approbation prévu par l'article 27.

Par la suite, la Convention entrera en vigueur :

- a) pour chaque Etat ratifiant, acceptant ou approuvant postérieurement, le premier jour du troisième mois du calendrier après le dépôt de son instrument de ratification, d'acceptation ou d'approbation;
- b) pour tout Etat adhérent, le premier jour du troisième mois du calendrier après l'expiration du délai visé à l'article 28;
- c) pour les unités territoriales auxquelles la Convention a été étendue conformément à l'article 29, le premier jour du troisième mois du calendrier après la notification visée dans cet article.

Article 31

Tout Etat contractant pourra dénoncer la présente Convention par une notification formelle adressée par écrit au Ministère des Affaires Etrangères du Royaume des Pays-Bas, dépositaire de la Convention.

La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de six mois après la date de réception de la notification par le dépositaire, ou à toute autre date ultérieure spécifiée dans la notification.

Article 32

Le Ministère des Affaires Etrangères du Royaume des Pays-Bas notifiera aux Etats Membres de la Conférence, ainsi qu'aux Etats qui auront adhéré conformément aux dispositions de l'article 28 :

- e) la protection des créanciers en cas d'insolvabilité;
- f) la protection des tiers de bonne foi à d'autres égards.

Lorsque les dispositions du paragraphe précédent font obstacle à la reconnaissance du trust, le juge s'efforcera de donner effet aux objectifs du trust par d'autres moyens juridiques.

Article 16

La Convention ne porte pas atteinte aux dispositions de la loi du for dont l'application s'impose même aux situations internationales quelle que soit la loi désignée par les règles de conflit de lois.

À titre exceptionnel, il peut également être donné effet aux règles de même nature d'un autre Etat qui présente avec l'objet du litige un lien suffisamment étroit.

Tout Etat contractant pourra déclarer, par une réserve, qu'il n'appliquera pas la disposition du deuxième alinéa du présent article.

Article 17

Au sens de la Convention, le terme «loi» désigne les règles de droit en vigueur dans un Etat à l'exclusion des règles de conflit de lois.

Article 18

Les dispositions de la Convention peuvent être écartées si leur application est manifestement incompatible avec l'ordre public.

Article 19

La Convention ne porte pas atteinte à la compétence des Etats en matière fiscale.

Article 20

Tout Etat contractant pourra, à tout moment, déclarer que les dispositions de la Convention seront étendues aux trusts créés par une décision de justice.

Cette déclaration sera notifiée au Ministère des Affaires Etrangères du Royaume des Pays-Bas et prendra effet le jour de la réception de cette notification.

L'article 31 est applicable par analogie au retrait de cette déclaration.

Article 21

Tout Etat contractant pourra se réserver le droit de n'appliquer les dispositions du chapitre III qu'aux trusts dont la validité est régie par la loi d'un Etat contractant.

Article 22

La Convention est applicable quelle que soit la date à laquelle le trust a été créé.

Toutefois, un Etat contractant pourra se réserver le droit de ne pas appliquer la Convention à un trust créé avant la date de l'entrée en vigueur de la Convention pour cet Etat.

Article 23

À l'effet de déterminer la loi applicable selon la Convention, lorsqu'un Etat comprend plusieurs unités territoriales dont chacune a ses propres règles en matière de trust, toute référence à la loi de cet Etat sera considérée comme visant la loi en vigueur dans l'unité territoriale concernée.

Article 24

Un Etat dans lequel différentes unités territoriales ont leurs propres règles de droit en matière de trust n'est pas tenu d'appliquer la Convention aux conflits de lois intéressant ces unités territoriales.

Article 25

La Convention ne déroge pas aux instruments internationaux auxquels un Etat contractant est ou sera Partie et qui contiennent des dispositions sur les matières régies par la présente Convention.

- f) les restrictions relatives à la durée du trust et aux pouvoirs de mettre en réserve les revenus du trust;
- g) les relations entre le *trustee* et les bénéficiaires, y compris la responsabilité personnelle du *trustee* envers les bénéficiaires;
- h) la modification ou la cessation du trust;
- i) la répartition des biens du trust;
- j) l'obligation du *trustee* de rendre compte de sa gestion.

Article 9

Dans l'application du présent chapitre, un élément du trust susceptible d'être isolé, notamment son administration, peut être régi par une loi distincte.

Article 10

La loi applicable à la validité du trust régit la possibilité de remplacer cette loi, ou la loi applicable à un élément du trust susceptible d'être isolé, par une autre loi.

CHAPITRE III RECONNAISSANCE

Article 11

Un trust créé conformément à la loi déterminée par le chapitre précédent sera reconnu en tant que trust.

La reconnaissance implique au moins que les biens du trust soient distincts du patrimoine personnel du *trustee* et que le *trustee* puisse agir comme demandeur ou défendeur, ou comparateur en qualité de *trustee* devant un notaire ou toute personne exerçant une autorité publique.

Dans la mesure où la loi applicable au trust le requiert ou le prévoit, cette reconnaissance implique notamment :

a) que les créanciers personnels du *trustee* ne puissent pas saisir les biens du trust;

b) que les biens du trust soient séparés du patrimoine du *trustee* en cas d'insolvabilité ou de faillite de celui-ci;

c) que les biens du trust ne fassent pas partie du régime matrimonial ni de la succession du *trustee*;

d) que la revendication des biens du trust soit permise, dans les cas où le *trustee*, en violation des obligations résultant du trust, a confondu les biens du trust avec ses biens personnels ou en a disposé. Toutefois, les droits et obligations d'un tiers détenteur des biens du trust demeurent régis par la loi déterminée par les règles de conflit du for.

Article 12

Le *trustee* qui désire faire inscrire dans un registre un bien meuble ou immeuble, ou un titre s'y rapportant, sera habilité à requérir l'inscription en sa qualité de *trustee* ou de telle façon que l'existence du trust apparaisse, pour autant que ce ne soit pas interdit par la loi de l'Etat où l'inscription doit avoir lieu ou incompatible avec cette loi.

Article 13

Aucun Etat n'est tenu de reconnaître un trust dont les éléments significatifs, à l'exception du choix de la loi applicable, du lieu d'administration et de la résidence habituelle du *trustee*, sont rattachés plus étroitement à des Etats qui ne connaissent pas l'institution du trust ou la catégorie de trust en cause.

Article 14

La Convention ne fait pas obstacle à l'application de règles de droit plus favorables à la reconnaissance d'un trust.

CHAPITRE IV DISPOSITIONS GÉNÉRALES

Article 15

La Convention ne fait pas obstacle à l'application des dispositions de la loi désignée par les règles de conflit du for lorsqu'il ne peut être dérogé à ces dispositions par une manifestation de volonté, notamment dans les matières suivantes :

- a) la protection des mineurs et des incapables;
- b) les effets personnels et patrimoniaux du mariage;
- c) les testaments et la dévolution des successions, spécialement la réserve;
- d) le transfert de propriété et les sûretés réelles;

Aux fins de la présente Convention, le terme «trust» vise les relations juridiques créées par une personne, le constituant – par acte entre vifs ou à cause de mort – lorsque des biens ont été placés sous le contrôle d'un *trustee* dans l'intérêt d'un bénéficiaire ou dans un but déterminé.

Le trust présente les caractéristiques suivantes :

- a) les biens du trust constituent une masse distincte et ne font pas partie du patrimoine du *trustee*;
 - b) le titre relatif aux biens du trust est établi au nom du *trustee* ou d'une autre personne pour le compte du *trustee*;
 - c) le *trustee* est investi du pouvoir et chargé de l'obligation, dont il doit rendre compte, d'administrer, de gérer ou de disposer des biens selon les termes du trust et les règles particulières imposées au *trustee* par la loi.
- Le fait que le constituant conserve certaines prérogatives ou que le *trustee* possède certains droits en qualité de bénéficiaire ne s'oppose pas nécessairement à l'existence d'un trust.

Article 3

La Convention ne s'applique qu'aux trusts créés volontairement et dont la preuve est apportée par écrit.

Article 4

La Convention ne s'applique pas à des questions préliminaires relatives à la validité des testaments ou d'autres actes juridiques par lesquels des biens sont transférés au *trustee*.

Article 5

La Convention ne s'applique pas dans la mesure où la loi déterminée par le chapitre II ne connaît pas l'institution du trust ou la catégorie de trust en cause.

CHAPITRE II LOI APPLICABLE

Article 6

Le trust est régi par la loi choisie par le constituant. Le choix doit être exprès ou résulter des dispositions de l'acte créant le trust ou en apportant la preuve, interprétées au besoin à l'aide des circonstances de la cause.

Lorsque la loi choisie en application de l'alinéa précédent ne connaît pas l'institution du trust ou la catégorie de trust en cause, ce choix est sans effet et la loi déterminée par l'article 7 est applicable.

Article 7

Lorsqu'il n'a pas été choisi de loi, le trust est régi par la loi avec laquelle il présente les liens les plus étroits.

Pour déterminer la loi avec laquelle le trust présente les liens les plus étroits, il est tenu compte notamment :

- a) du lieu d'administration du trust désigné par le constituant;
- b) de la situation des biens du trust;
- c) de la résidence ou du lieu d'établissement du *trustee*;
- d) des objectifs du trust et des lieux où ils doivent être accomplis.

Article 8

La loi déterminée par les articles 6 ou 7 régit la validité du trust, son interprétation, ses effets ainsi que l'administration du trust.

Cette loi régit notamment :

- a) la désignation, la démission et la révocation du *trustee*, l'aptitude particulière à exercer les attributions d'un *trustee* ainsi que la transmission des fonctions de *trustee*;
- b) les droits et obligations des *trustees* entre eux;
- c) le droit du *trustee* de déléguer en tout ou en partie l'exécution de ses obligations ou l'exercice de ses pouvoirs;
- d) les pouvoirs du *trustee* d'administrer et de disposer des biens du trust, de les constituer en sûretés et d'acquérir des biens nouveaux;
- e) les pouvoirs du *trustee* de faire des investissements;

ANNEXE 7 LOI DE 2017 SUR LA RECONNAISSANCE INTERNATIONALE DES FIDUCIES

SOMMAIRE

1.	Interprétation
2.	Application de la Convention
3.	Portée de la Convention
4.	La Couronne est liée
5.	Entrée en vigueur
6.	Titre abrégé
Annexe 1	Convention relative à la loi applicable au trust et à sa reconnaissance

Interprétation
1 Le terme «fiducie» employé dans la version française de la Convention visée au paragraphe 2 (1).
version française de la Convention visée au paragraphe 2 (1).

Application de la Convention
2 (1) La Convention relative à la loi applicable au trust et à sa reconnaissance faite à La Haye le 1^{er} juillet 1985 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario à compter du jour de son entrée en vigueur aux termes des articles 29 et 30 de la Convention.

Application de la Loi
(2) La présente loi ne s'applique pas aux incompatibilités qui existent uniquement entre les lois des provinces et des territoires du Canada.

Portée de la Convention
3 (1) La Convention s'applique aux fiducies créées par une décision de justice, y compris les fiducies judiciaires et les fiducies par déduction.

Interprétation : refus de donner reconnaissance ou validité
(2) La présente loi n'a pour effet d'obliger à la reconnaissance ou à la validité d'une fiducie créée par une décision de justice dans un Etat étranger ou d'un aspect separable d'une telle fiducie, si la Cour supérieure de justice est convaincue qu'il existe des motifs importants justifiant le refus de cette reconnaissance ou de cette validité.

La Couronne est liée
4 La présente loi lie la Couronne.
Entrée en vigueur
5 La loi figurant à la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Titre abrégé
6 Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2017 sur la reconnaissance internationale des fiducies*.

ANNEXE 1 CONVENTION RELATIVE À LA LOI APPLICABLE AU TRUST ET À SA RECONNAISSANCE

Les Etats signataires de la présente Convention,
Considérant que le trust est une institution caractéristique créée par les juridictions d'équité dans les pays de *common law*, adoptée par d'autres pays avec certaines modifications,
Sont convenus d'établir des dispositions communes sur la loi applicable au trust et de régler les problèmes les plus importants relatifs à sa reconnaissance,
Ont résolu de conclure une Convention à cet effet et d'adopter les dispositions suivantes :

CHAPITRE I CHAMP D'APPLICATION

Article premier

La présente Convention détermine la loi applicable au trust et régit sa reconnaissance.

Article 22. Réserves

Aucune réserve ne peut être faite en vertu de la présente Convention.

Article 23. Entrée en vigueur

1 La présente Convention entre en vigueur le premier jour du mois suivant l'expiration d'un délai de six mois après la date du dépôt du troisième instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

2 Lorsqu'un Etat ratifie, accepte ou approuve la présente Convention ou y adhère après le dépôt du troisième instrument de ratification, d'acceptation, d'approbation ou d'adhésion, la présente Convention entre en vigueur à l'égard de cet Etat le premier jour du mois suivant l'expiration d'un délai de six mois après la date du dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

Article 24. Moment de l'application

La présente Convention et toute déclaration s'appliquent uniquement aux communications électroniques qui sont échangées après la date à laquelle la Convention ou la déclaration entre en vigueur ou prend effet à l'égard de chaque Etat contractant.

Article 25.

Dénunciation

1 Un Etat contractant peut dénoncer la présente Convention par une notification formelle adressée par écrit au dépositaire.

2 La dénonciation prend effet le premier jour du mois suivant l'expiration d'un délai de douze mois à compter de la réception de la notification par le dépositaire. Lorsqu'un délai plus long est spécifié dans la notification, la dénonciation prend effet à l'expiration du délai en question à compter de la réception de la notification par le dépositaire.

FAIT à New York, ce vingt-troisième jour de novembre de l'an 2005 en un seul original, dont les versions anglaise, arabe, chinoise, espagnole, française et russe font également foi.

EN FOI DE QUOI, les plénipotentiaires soussignés, à ce dûment autorisés par leurs gouvernements respectifs, ont signé la présente Convention.

3 Si, en vertu d'une déclaration faite conformément au présent article, la présente Convention s'applique à l'une ou plusieurs des unités territoriales d'un Etat contractant, mais non pas à toutes, et si l'établissement d'une partie est situé dans cet Etat, cet établissement est considéré, aux fins de la présente Convention, comme n'étant pas situé dans un Etat contractant, à moins qu'il ne soit situé dans une unité territoriale à laquelle la Convention s'applique.

4 Si un Etat contractant ne fait pas, de déclaration en vertu du paragraphe 1 du présent article, la Convention s'applique à toutes les unités territoriales de cet Etat.

Article 19. Déclarations concernant le champ d'application

1 Tout Etat contractant peut déclarer, conformément à l'article 21, qu'il appliquera la présente Convention uniquement :

a) Lorsque les Etats visés au paragraphe 1 de l'article premier sont des Etats contractants à la présente Convention; ou

b) Lorsque les parties sont convenues qu'elle s'applique.

2 Tout Etat contractant peut exclure du champ d'application de la présente Convention les matières spécifiées dans une déclaration faite conformément à l'article 21.

Article 20. Communications échangées conformément à d'autres conventions internationales

1 Les dispositions de la présente Convention s'appliquent à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat auquel s'applique l'une quelconque des conventions internationales ci-après dont un Etat contractant à la présente Convention est un Etat contractant ou peut le devenir :

Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères (New York, 10 juin 1958);

Convention sur la prescription en matière de vente internationale de marchandises (New York, 14 juin 1974) et Protocole y relatif (Vienne, 11 avril 1980);

Convention des Nations Unies sur les contrats de vente internationale de marchandises (Vienne, 11 avril 1980);

Convention des Nations Unies sur la responsabilité des exploitants de terminaux de transport dans le commerce international (Vienne, 19 avril 1991);

Convention des Nations Unies sur les garanties indépendantes et les lettres de crédit stand-by (New York, 11 décembre 1995);

Convention des Nations Unies sur la cession de créances dans le commerce international (New York, 12 décembre 2001).

2 Les dispositions de la présente Convention s'appliquent en outre aux communications électroniques se rapportant à la formation ou à l'exécution d'un contrat auquel s'applique une autre convention ou un autre traité ou accord international non expressément mentionné au paragraphe 1 du présent article dont un Etat contractant à la présente Convention est un Etat contractant ou peut le devenir, sauf si cet Etat a déclaré, conformément à l'article 21, qu'il ne sera pas lié par le présent paragraphe.

3 Un Etat qui fait une déclaration en application du paragraphe 2 du présent article peut également déclarer qu'il appliquera néanmoins les dispositions de la présente Convention à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution de tout contrat auquel s'applique une convention, un traité ou un accord international spécifié dont cet Etat est un Etat contractant ou peut le devenir.

4 Tout Etat peut déclarer qu'il n'appliquera pas les dispositions de la présente Convention à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat auquel s'applique une convention, un traité ou un accord international qu'il a spécifié dans sa déclaration et dont il est un Etat contractant ou peut le devenir, y compris l'une quelconque des conventions mentionnées au paragraphe 1 du présent article, même s'il n'a pas exclu l'application du paragraphe 2 du présent article dans une déclaration faite conformément à l'article 21.

Article 21. Procédure et effets des déclarations

1 Des déclarations peuvent être faites à tout moment en vertu du paragraphe 4 de l'article 17, des paragraphes 1 et 2 de l'article 19 et des paragraphes 2, 3 et 4 de l'article 20. Les déclarations faites lors de la signature sont sujettes à confirmation lors de la ratification, de l'acceptation ou de l'approbation.

2 Les déclarations et leur confirmation sont faites par écrit et formellement notifiées au dépositaire.

3 Les déclarations prennent effet à la date de l'entrée en vigueur de la présente Convention à l'égard de l'Etat concerné. Cependant, une déclaration reçue du dépositaire reçoit notification formelle après cette date prend effet le premier jour du mois suivant l'expiration d'un délai de six mois à compter de la date de sa réception par le dépositaire.

4 Tout Etat qui fait une déclaration en vertu de la présente Convention peut à tout moment la modifier ou la retirer par notification formelle adressée par écrit au dépositaire. La modification ou le retrait prend effet le premier jour du mois suivant l'expiration d'un délai de six mois après la date de réception par le dépositaire.

déterminée à la disposition de l'autre partie les communications électroniques contenant les clauses contractuelles, ni n'exonère une partie des conséquences juridiques auxquelles elle s'exposerait en ne le faisant pas.

Article 14. Erreur dans les communications électroniques

1 Lorsqu'une personne physique commet une erreur de saisie dans une communication électronique échangée avec le système de messagerie automatisé d'une autre partie et que le système de messagerie automatisé ne lui donne pas la possibilité de corriger l'erreur, cette personne, ou la partie au nom de laquelle elle agit, peut exercer un droit de retrait de la partie de la communication électronique dans laquelle l'erreur de saisie a été commise si :

a) La personne, ou la partie au nom de laquelle elle agit, avise l'autre partie de l'erreur aussitôt que possible après en avoir pris connaissance et lui signale qu'elle a commis une erreur dans la communication électronique; et

b) La personne, ou la partie au nom de laquelle elle agit, n'a pas tiré d'avantage matériel ou de contrepartie des biens ou services éventuellement reçus de l'autre partie ni utilisé un tel avantage ou une telle contrepartie.

2 Aucune disposition du présent article n'a d'incidence sur l'application d'une règle de droit régissant les conséquences d'une erreur autre que celle visée au paragraphe 1.

CHAPITRE IV. DISPOSITIONS FINALES

Article 15. Dépositaire

Le Secrétaire général de l'Organisation des Nations Unies est désigné comme dépositaire de la présente Convention.

Article 16. Signature, ratification, acceptation ou approbation

1 La présente Convention est ouverte à la signature de tous les Etats au Siège de l'Organisation des Nations Unies à New York du 16 janvier 2006 au 16 janvier 2008.

2 La présente Convention est sujette à ratification, acceptation ou approbation par les Etats signataires.

3 La présente Convention est ouverte à l'adhésion de tous les Etats qui ne sont pas signataires à partir de la date à laquelle elle est ouverte à la signature.

4 Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion sont déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 17.

Participation d'organisations régionales d'intégration économique

1 Une organisation régionale d'intégration économique constituée par des Etats souverains et ayant compétence sur certaines matières régies par la présente Convention peut elle aussi signer, ratifier, accepter, approuver la présente Convention ou y adhérer. En pareil cas, elle aura les mêmes droits et obligations qu'un Etat contractant, dans la mesure où elle a compétence sur des matières régies par la présente Convention.

Lorsque le nombre d'Etats contractants est pertinent pour l'application des dispositions de la présente Convention, l'organisation régionale d'intégration économique n'est pas comptée comme Etat contractant en plus de ses Etats membres qui sont des Etats contractants.

2 Au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, l'organisation régionale d'intégration économique effectue auprès du dépositaire une déclaration indiquant les matières régies par la présente Convention pour lesquelles ses Etats membres lui ont transféré leur compétence. Elle informe sans retard le dépositaire de toute modification intervenue dans la répartition de compétence, y compris de nouveaux transferts de compétence, précisée dans la déclaration faite en vertu du présent paragraphe.

3 Toute référence à «Etat contractant» ou «Etats contractants» dans la présente Convention s'applique également à une organisation régionale d'intégration économique, lorsque le contexte requiert qu'il en soit ainsi.

4 La présente Convention ne peut prévaloir sur aucune règle contraire d'une organisation régionale d'intégration économique applicable aux parties dont les établissements respectifs sont situés dans les Etats membres d'une telle organisation, comme précisé par une déclaration faite conformément à l'article 21.

Article 18.

Effet dans les unités territoriales nationales

1 Si un Etat contractant comprend deux unités territoriales ou plus dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par la présente Convention, il peut, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la présente Convention s'appliquera à toutes ses unités territoriales ou uniquement à l'une ou plusieurs d'entre elles et peut à tout moment modifier sa déclaration en faisant une nouvelle déclaration.

2 Ces déclarations sont notifiées au dépositaire et désignent expressément les unités territoriales auxquelles la Convention s'applique.

a) Si une méthode est utilisée pour identifier la partie et pour indiquer la volonté de cette partie concernant l'information contenue dans la communication électronique; et

b) Si la méthode utilisée est :

i) Soit une méthode dont la fiabilité est suffisante au regard de l'objet pour lequel la communication électronique a été créée ou transmise, compte tenu de toutes les circonstances, y compris toute convention en la matière;

ii) Soit une méthode dont il est démontré dans les faits qu'elle a, par elle-même ou avec d'autres preuves, rempli les fonctions visées à l'alinéa a) ci-dessus.

4 Lorsque la loi exige qu'une communication ou un contrat soit disponible ou conservé sous sa forme originale, ou prévoit des conséquences juridiques en l'absence d'un original, cette exigence est satisfaite dans le cas d'une communication électronique :

a) S'il existe une garantie fiable quant à l'intégrité de l'information qu'elle contient à compter du moment où elle a été créée pour la première fois sous sa forme définitive, en tant que communication électronique ou autre; et

b) Si, lorsqu'il est exigé que l'information qu'elle contient soit disponible, cette information peut être présentée à la personne à laquelle elle doit être rendue disponible.

5 Aux fins de l'alinéa a) du paragraphe 4 :

a) L'intégrité de l'information s'apprécie en déterminant si celle-ci est restée complète et n'a pas été altérée, exception faite de l'ajout de tout endossement et de toute modification susceptible d'intervenir dans le processus normal de la communication, de la conservation et de l'affichage; et

b) Le niveau de fiabilité requis s'apprécie au regard de l'objet pour lequel l'information a été créée et à la lumière de toutes les circonstances y ayant trait.

Article 10. Moment et lieu de l'expédition et de la réception de communications électroniques

1 Le moment de l'expédition d'une communication électronique est le moment où cette communication quitte un système électronique dépendant de l'expéditeur ou de la partie qui l'a envoyée au nom de l'expéditeur, ou bien, si la communication électronique n'a pas quitté un système d'information dépendant de l'expéditeur ou de la partie qui l'a envoyée au nom de l'expéditeur, le moment où elle est reçue.

2 Le moment de la réception d'une communication électronique est le moment où cette communication peut être relevée par le destinataire à une adresse électronique que celui-ci a désignée. Le moment de la réception d'une communication électronique est présumée pouvoir être relevée par le destinataire lorsque elle parvient à l'adresse électronique de celui-ci.

3 Une communication électronique est réputée avoir été expédiée du lieu où l'expéditeur a son établissement et avoir été reçue au lieu où le destinataire a son établissement, ces lieux étant déterminés conformément à l'article 6.

4 Le paragraphe 2 du présent article s'applique même si le lieu où est situé le système d'information qui constitue le support de l'adresse électronique est différent du lieu où la communication électronique est réputée avoir été reçue selon le paragraphe 3 du présent article.

Article 11. Invitations à l'offre

Une proposition de conclure un contrat effectuée par l'intermédiaire d'une ou plusieurs communications électroniques qui n'est pas adressée en particulier à une ou plusieurs parties mais qui est généralement accessible à des parties utilisant des systèmes d'information, y compris à l'aide d'applications interactives permettant de passer des commandes par l'intermédiaire de ces systèmes d'information, doit être considérée comme une invitation à l'offre, à moins qu'elle n'indique clairement l'intention de la partie effectuant la proposition d'être liée en cas d'acceptation.

Article 12. Utilisation de systèmes de messagerie automatisés pour la formation des contrats

La validité ou la force exécutoire d'un contrat formé par l'interaction d'un système de messagerie automatisé et d'une personne physique, ou bien par l'interaction de systèmes de messagerie automatisés, ne peuvent être contestées au seul motif qu'une personne physique n'est pas intervenue ou n'a pas contrôlé chacune des opérations exécutées par les systèmes ni le contrat qui en résulte.

Article 13. Mise à disposition des clauses contractuelles

Aucune disposition de la présente Convention n'a d'incidence sur l'application d'une règle de droit obligeant une partie qui négocie tout ou partie des clauses d'un contrat en échangeant des communications électroniques à mettre d'une manière

- (d) Le terme «expéditeur» d'une communication électronique désigne la partie par laquelle, ou au nom de laquelle, la communication électronique a été envoyée ou créée avant d'avoir été éventuellement conservée, mais non la partie qui agit en tant qu'intermédiaire pour cette communication;
- (e) Le terme «destinataire» d'une communication électronique désigne la partie à qui l'expéditeur a l'intention d'adresser la communication électronique, mais non la partie qui agit en tant qu'intermédiaire pour cette communication;
- (f) Le terme «système d'information» désigne un système utilisé pour créer, envoyer, recevoir, conserver ou traiter de toute autre manière des messages de données;
- (g) Le terme «système de messagerie automatisé» désigne un programme informatique, un moyen électronique ou un autre moyen automatisé utilisé pour entreprendre une action ou pour répondre en tout ou en partie à des messages de données ou à des opérations, sans intervention ou contrôle d'une personne physique à chaque action entreprise ou réponse produite;
- (h) Le terme «établissement» désigne tout lieu où une partie dispose d'une installation non transitoire pour mener une activité économique, autre que la fourniture temporaire de biens ou de services, et à partir d'un lieu déterminé.

Article 5. Interprétation

- 1 Pour l'interprétation de la présente Convention, il est tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application ainsi que d'assurer le respect de la bonne foi dans le commerce international.
- 2 Les questions concernant les matières régies par la présente Convention qui ne sont pas expressément tranchées par elle sont régies selon les principes généraux dont elle s'inspire ou, à défaut de ces principes, conformément à la loi applicable en vertu des règles du droit international privé.

Article 6. Lieu de situation des parties

- 1 Aux fins de la présente Convention, une partie est présumée avoir son établissement au lieu qu'elle a indiqué, sauf si une autre partie démontre que la partie ayant donné cette indication n'a pas d'établissement dans ce lieu.
- 2 Dans le cas où une partie n'a pas indiqué d'établissement et a plus d'un établissement, l'établissement à prendre en considération aux fins de la présente Convention est celui qui a la relation la plus étroite avec le contrat considéré, compte tenu des circonstances connues des parties ou envisagées par elles avant ou au moment de la conclusion du contrat.
- 3 Si une personne physique n'a pas d'établissement, sa résidence habituelle en tient lieu.

- 4 Un lieu ne constitue pas un établissement du seul fait qu'il s'agit de l'endroit : a) où se trouvent le matériel et la technologie sur lesquels s'appuie un système d'information utilisé par une partie en relation avec la formation d'un contrat; ou b) où d'autres parties peuvent accéder à ce système d'information.
- 5 Le seul fait qu'une partie utilise un nom de domaine ou une adresse électronique associés à un pays particulier ne constitue pas une présomption que son établissement est situé dans ce pays.

Article 7. Obligations d'information

- Aucune disposition de la présente Convention n'a d'incidence sur l'application d'une règle de droit obligeant les parties à communiquer leur identité, leur établissement ou toute autre information, ni n'exonère une partie des conséquences juridiques auxquelles elle s'exposerait en faisant des déclarations inexactes, incomplètes ou fausses à cet égard.

CHAPITRE III. UTILISATION DE COMMUNICATIONS ÉLECTRONIQUES DANS LES CONTRATS INTERNATIONAUX

Article 8. Reconnaissance juridique des communications électroniques

- 1 La validité ou la force exécutoire d'une communication ou d'un contrat ne peuvent être contestées au seul motif que cette communication ou ce contrat est sous forme de communication électronique.
- 2 Aucune disposition de la présente Convention n'oblige une partie à utiliser ou à accepter des communications électroniques, mais le fait qu'elle y consent peut être déduit de son comportement.
- Article 9. Conditions de forme*
- 1 Aucune disposition de la présente Convention n'exige qu'une communication ou un contrat soit établi ou constaté sous une forme particulière.
- 2 Lorsque la loi exige qu'une communication ou un contrat soit sous forme écrite, ou prévoit des conséquences juridiques en l'absence d'un écrit, une communication électronique satisfait à cette exigence si l'information qu'elle contient est accessible pour être consultée ultérieurement.
- 3 Lorsque la loi exige qu'une communication ou un contrat soit signé par une partie, ou prévoit des conséquences en l'absence d'une signature, cette exigence est satisfaite dans le cas d'une communication électronique :

Convencus que l'adoption de règles uniformes pour éliminer les obstacles à l'utilisation des communications électroniques dans les contrats internationaux, notamment les obstacles pouvant résulter de l'application des instruments de droit commercial international existants, renforcerait la sécurité juridique et la prévisibilité commerciale pour les contrats internationaux et aiderait les États à accéder aux circuits commerciaux modernes,

Estimant que des règles uniformes devraient respecter la liberté des parties de choisir les supports et technologies appropriés, en tenant compte des principes de neutralité technologique et d'équivalence fonctionnelle, dans la mesure où les moyens choisis par celles-ci sont conformes à l'objet des règles de droit applicables en la matière,

Désireux de trouver une solution commune pour lever les obstacles juridiques à l'utilisation des communications électroniques d'une manière qui soit acceptable pour les États dotés de systèmes juridiques, sociaux et économiques différents,

Sont convenus de ce qui suit :

CHAPITRE PREMIER. SPHÈRE D'APPLICATION

Article premier. Champ d'application

1 La présente Convention s'applique à l'utilisation de communications électroniques en rapport avec la formation ou l'exécution d'un contrat entre des parties ayant leur établissement dans des États différents.

2 Il n'est pas tenu compte du fait que les parties ont leur établissement dans des États différents lorsque ce fait ne ressort ni du contrat, ni de transactions effectuées entre les parties, ni de renseignements donnés par elles à un moment quelconque avant la conclusion ou lors de la conclusion du contrat.

3 Ni la nationalité des parties, ni le caractère civil ou commercial des parties ou du contrat ne sont pris en considération pour l'application de la présente Convention.

Article 2. Exclusions

1 La présente Convention ne s'applique pas aux communications électroniques qui ont un rapport avec l'un quelconque des éléments suivants :

- a) Contrats conclus à des fins personnelles, familiales ou domestiques;
- b) i) Opérations sur un marché boursier réglementé; ii) opérations de change; iii) systèmes de paiement interbancaire, accords de paiement interbancaire ou systèmes de compensation et de règlement portant sur des valeurs mobilières ou d'autres instruments ou actifs financiers; iv) transfert de sûretés portant sur des valeurs mobilières ou sur d'autres instruments ou actifs financiers détenus auprès d'intermédiaires, ou vente, prêt, détention ou convention de rachat de ces valeurs, actifs ou instruments.

2 La présente Convention ne s'applique pas aux lettres de change, aux billets à ordre, aux lettres de transport, aux connaissements, aux récépissés d'entrepôt ni à aucun document ou instrument transférable donnant le droit au porteur ou au bénéficiaire de demander la livraison de marchandises ou le paiement d'une somme d'argent.

Article 3. Autonomie des parties

Les parties peuvent exclure l'application de la présente Convention ou déroger à l'une quelconque de ses dispositions ou en modifier les effets.

CHAPITRE II. DISPOSITIONS GÉNÉRALES

Article 4. Définitions

Aux fins de la présente Convention :

- a) Le terme «communication» désigne toute mention, déclaration, mise en demeure, notification ou demande, y compris une offre et l'acceptation d'une offre, que les parties sont tenues d'effectuer ou choisissent d'effectuer en relation avec la formation ou l'exécution d'un contrat;
- b) Le terme «communication électronique» désigne toute communication que les parties effectuent au moyen de messages de données;
- c) Le terme «message de données» désigne l'information créée, transmise, reçue ou conservée par des moyens électroniques, magnétiques ou optiques ou des moyens analogues, notamment, mais non exclusivement, l'échange de données informatisé (EDI), la messagerie électronique, le télégramme, le télex ou la télécopie;

ANNEXE 6
LOI DE 2017 SUR LA CONVENTION SUR LES COMMUNICATIONS ÉLECTRONIQUES INTERNATIONALES

SOMMAIRE

INTERPRÉTATION

1.	Définition
2.	Guide d'interprétation
3.	Application de la Convention
4.	Couronne liée
5.	Entrée en vigueur
6.	Titre abrégé
Annexe 1	Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux

INTERPRÉTATION

Définition

- 1 La définition qui suit s'applique à la présente loi.
- «déclaration» Déclaration faite par le Canada en vertu de la Convention relativement à l'Ontario.

Guide d'interprétation

- 2 Afin d'interpréter la Convention, on peut avoir recours à la Note explicative de la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux publiée en janvier 2007 par la Commission des Nations Unies pour le droit commercial international.

LA CONVENTION

Application de la Convention

- 3 Sous réserve de toute déclaration en vigueur, la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux dont le texte est reproduit à l'annexe 1 a force de loi en Ontario à compter du jour de son entrée en vigueur, conformément aux articles 18 et 23 de la Convention.

Couronne liée

- 4 La présente loi lie la Couronne.

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

- 5 La loi figurant à la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Titre abrégé

- 6 Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2017 sur la Convention sur les communications électroniques internationales*.

ANNEXE 1
CONVENTION DES NATIONS UNIES SUR L'UTILISATION DE COMMUNICATIONS ÉLECTRONIQUES DANS
LES CONTRATS INTERNATIONAUX

Les États Parties à la présente Convention,

Réaffirmant leur conviction que le commerce international sur la base de l'égalité et des avantages mutuels constitue un élément important susceptible de promouvoir les relations amicales entre les États,

Notant que l'usage accru des communications électroniques améliore l'efficacité des activités commerciales, renforce les relations commerciales et offre de nouvelles possibilités de débouchés à des parties et à des marchés auparavant isolés, jouant ainsi un rôle fondamental dans la promotion du commerce et du développement économique, aux niveaux tant national qu'international,

Considérant que les problèmes créés par les incertitudes quant à la valeur juridique de l'utilisation de communications électroniques dans les contrats internationaux constituent un obstacle au commerce international,

(i) qu'une partie à la convention d'arbitrage visée à l'article 7 était frappée d'une incapacité; ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du pays où la sentence a été rendue; ou

(ii) que la partie contre laquelle la sentence est invoquée n'a pas été dûment informée de la désignation d'un arbitre ou de la procédure arbitrale, ou qu'il lui a été impossible pour une autre raison de faire valoir ses droits; ou

(iii) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire, étant entendu toutefois que, si les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, seule la partie de la sentence contenant des décisions sur les questions soumises à l'arbitrage pourra être reconnue et exécutée; ou

(iv) que la constitution du tribunal arbitral, ou la procédure arbitrale, n'a pas été conforme à la convention des parties ou, à défaut d'une telle convention, à la loi du pays où l'arbitrage a eu lieu; ou

(v) que la sentence n'est pas encore devenue obligatoire pour les parties, ou a été annulée ou suspendue par un tribunal du pays dans lequel, ou en vertu de la loi duquel elle a été rendue; ou

b) si le tribunal constate que :

(i) l'objet du différend n'est pas susceptible d'être réglé par arbitrage conformément à la loi du présent Etat; ou que

(ii) la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public du présent Etat.

(2) Si une demande d'annulation ou de suspension d'une sentence a été présentée à un tribunal visé au sous-alinéa (1) a) (v) du présent article, le tribunal auquel est demandée la reconnaissance ou l'exécution peut, s'il le juge approprié, surseoir à statuer et peut aussi, à la requête de la partie demandant la reconnaissance ou l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables.

demande exposés au cours de la procédure arbitrale mais omis dans la sentence. S'il juge la demande justifiée, le tribunal arbitral complète sa sentence dans les soixante jours.

(4) Le tribunal arbitral peut prolonger, si besoin est, le délai dont il dispose pour rectifier, interpréter ou compléter la sentence en vertu du paragraphe (1) ou (3) du présent article.

(5) Les dispositions de l'article 31 s'appliquent à la rectification ou l'interprétation de la sentence ou à la sentence additionnelle.

CHAPITRE VII. RECOURS CONTRE LA SENTENCE

Article 34. La demande d'annulation comme recours exclusif contre la sentence arbitrale

(1) Le recours formé devant un tribunal contre une sentence arbitrale ne peut prendre la forme que d'une demande d'annulation conformément aux paragraphes (2) et (3) du présent article.

(2) La sentence arbitrale ne peut être annulée par le tribunal visé à l'article 6 que si :

- a) la partie en faisant la demande apporte la preuve :
 - (i) qu'une partie à la convention d'arbitrage visée à l'article 7 était frappée d'une incapacité; ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du présent Etat; ou
 - (ii) qu'elle n'a pas été dûment informée de la nomination d'un arbitre ou de la procédure arbitrale, ou qu'il lui a été impossible pour une autre raison de faire valoir ses droits; ou
 - (iii) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire, étant entendu toutefois que, si les dispositions de la sentence qui ont trait à des questions soumise à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, seule la partie de la sentence contenant des décisions sur les questions non soumises à l'arbitrage pourra être annulée; ou
 - (iv) que la constitution du tribunal arbitral, ou la procédure arbitrale, n'a pas été conforme à la convention des parties, à condition que cette convention ne soit pas contraire à une disposition de la présente loi à laquelle les parties ne peuvent déroger, ou, à défaut d'une telle convention, qu'elle n'a pas été conforme à la présente loi; ou
- b) le tribunal constate :
 - (i) que l'objet du différend n'est pas susceptible d'être réglé par arbitrage conformément à la loi du présent Etat; ou
 - (ii) que la sentence est contraire à l'ordre public du présent Etat.

(3) Une demande d'annulation ne peut être présentée après l'expiration d'un délai de trois mois à compter de la date à laquelle la partie présentant cette demande a reçu communication de la sentence ou, si une demande a été faite en vertu de l'article 33, à compter de la date à laquelle le tribunal arbitral a pris une décision sur cette demande.

(4) Lorsqu'il est prié d'annuler une sentence, le tribunal peut, le cas échéant et à la demande d'une partie, suspendre la procédure d'annulation pendant une période dont il fixe la durée afin de donner au tribunal arbitral la possibilité de reprendre la procédure arbitrale ou de prendre toute autre mesure que ce dernier juge susceptible d'éliminer les motifs d'annulation.

RECONNAISSANCE ET EXECUTION DES SENTENCES CHAPITRE VIII.

Article 35. Reconnaissance et exécution

(1) La sentence arbitrale, quel que soit le pays où elle a été rendue, est reconnue comme ayant force obligatoire et, sur requête adressée par écrit au tribunal compétent, est exécutée sous réserve des dispositions du présent article et de l'article 36.

(2) La partie qui invoque la sentence ou qui en demande l'exécution doit en fournir l'original ou une copie. Si ladite sentence n'est pas rédigée dans une langue officielle du présent Etat, le tribunal peut demander à la partie d'en produire une traduction dans cette langue.

Article 36. Motifs du refus de la reconnaissance ou de l'exécution

(1) La reconnaissance ou l'exécution d'une sentence arbitrale, quel que soit le pays où elle a été rendue, ne peut être refusée que :

- a) sur la demande de la partie contre laquelle elle est invoquée, si ladite partie présente au tribunal compétent auquel est demandée la reconnaissance ou l'exécution la preuve :

(3) Le tribunal arbitral statue *ex aequo et bono* ou en qualité d'arbitrable compositeur uniquement si les parties l'ont expressément autorisé.

(4) Dans tous les cas, le tribunal arbitral décide conformément aux stipulations du contrat et tient compte des usages du commerce applicables à la transaction.

Article 29. *Prise de décisions par plusieurs arbitres*

Dans une procédure arbitrale comportant plus d'un arbitre, toute décision du tribunal arbitral est, sauf convention contraire des parties, prise à la majorité de tous ses membres. Toutefois, les questions de procédure peuvent être tranchées par un arbitre président, si ce dernier y est autorisé par les parties ou par tous les membres du tribunal arbitral.

Article 30. *Règlement par accord des parties*

(1) Si, durant la procédure arbitrale, les parties s'entendent pour régler le différend, le tribunal arbitral met fin à la procédure arbitrale et, si les parties lui en font la demande et s'il n'y voit pas d'objection, constate le fait par une sentence arbitrale rendue par accord des parties.

(2) La sentence d'accord des parties est rendue conformément aux dispositions de l'article 31 et mentionne le fait qu'il s'agit d'une sentence. Une telle sentence a le même statut et le même effet que toute autre sentence prononcée sur le fond de l'affaire.

Article 31. *Forme et contenu de la sentence*

(1) La sentence est rendue par écrit et signée par l'arbitre ou les arbitres. Dans la procédure arbitrale comprenant plusieurs arbitres, les signatures de la majorité des membres du tribunal arbitral suffisent, pourvu que soit mentionnée la raison de l'omission des autres.

(2) La sentence est motivée, sauf si les parties sont convenues que tel ne doit pas être le cas ou s'il s'agit d'une sentence rendue par accord des parties conformément à l'article 30.

(3) La sentence mentionne la date à laquelle elle est rendue, ainsi que le lieu de l'arbitrage déterminé conformément à l'article 20 (1). La sentence est réputée avoir été rendue audit lieu.

(4) Après le prononcé de la sentence, une copie signée par l'arbitre ou les arbitres conformément au paragraphe (1) du présent article en est remise à chacune des parties.

Article 32.

Clôture de la procédure

(1) La procédure arbitrale est close par le prononcé de la sentence définitive ou par une ordonnance de clôture rendue par le tribunal arbitral conformément au paragraphe (2) du présent article.

(2) Le tribunal arbitral ordonne la clôture de la procédure arbitrale lorsque :

a) le demandeur retire sa demande, à moins que le défendeur y fasse objection et que le tribunal arbitral reconnaisse qu'il a légitimement intérêt à ce que le différend soit définitivement réglé;

b) les parties conviennent de clore la procédure;

c) le tribunal arbitral constate que la poursuite de la procédure est, pour toute autre raison, devenue superflue ou impossible.

(3) Le mandat du tribunal arbitral prend fin avec la clôture de la procédure arbitrale, sous réserve des dispositions de l'article 33 et du paragraphe (4) de l'article 34.

Article 33. *Rectification et interprétation de la sentence et sentence additionnelle*

(1) Dans les trente jours qui suivent la réception de la sentence, à moins que les parties ne soient convenues d'un autre délai :

a) une des parties peut, moyennant notification à l'autre, demander au tribunal arbitral de rectifier dans le texte de la sentence toute erreur de calcul, toute erreur matérielle ou typographique ou toute erreur de même nature;

b) si les parties en sont convenues, une partie peut, moyennant notification à l'autre, demander au tribunal arbitral de donner une interprétation d'un point ou passage précis de la sentence.

Si le tribunal arbitral considère que la demande est justifiée, il fait la rectification ou donne l'interprétation dans les trente jours qui suivent la réception de la demande. L'interprétation fait partie intégrante de la sentence.

(2) Le tribunal arbitral peut, de son propre chef, rectifier toute erreur du type visé à l'alinéa a) du paragraphe (1) du présent article dans les trente jours qui suivent la date de la sentence.

(3) Sauf convention contraire des parties, l'une des parties peut, moyennant notification à l'autre, demander au tribunal arbitral, dans les trente jours qui suivent la réception de la sentence, de rendre une sentence additionnelle sur des chefs de

(2) Le tribunal arbitral peut ordonner que toute pièce soit accompagnée d'une traduction dans la langue ou les langues convenues par les parties ou choisies par le tribunal arbitral.

Article 23. Conclusions en demande et en défense

(1) Dans le délai convenu par les parties ou fixé par le tribunal arbitral, le demandeur énonce les faits au soutien de sa demande, les points litigieux et l'objet de la demande et le défendeur énonce ses défenses à propos de ces questions, à moins que les parties ne soient autrement convenues des indications devant figurer dans les conclusions. Les parties peuvent accompagner leurs conclusions de toutes pièces qu'elles jugeront pertinentes ou y mentionner les pièces ou autres moyens de preuve qu'elles produiront.

(2) Sauf convention contraire des parties, l'une ou l'autre partie peut modifier ou compléter sa demande ou ses défenses, au cours de la procédure arbitrale, à moins que le tribunal arbitral considère ne pas devoir autoriser un tel amendement en raison du retard avec lequel il est formulé.

Article 24. Procédure orale et procédure écrite

(1) Sauf convention contraire des parties, le tribunal arbitral décide si la procédure doit comporter des phases orales pour la production de preuves ou pour l'exposé oral des arguments, ou si elle se déroulera sur pièces. Cependant, à moins que les parties ne soient convenues qu'il n'y aura pas de procédure orale, le tribunal arbitral organise une telle procédure à un stade approprié de la procédure arbitrale, si une partie lui en fait la demande.

(2) Les parties recevront suffisamment longtemps à l'avance notification de toutes audiences et de toutes réunions du tribunal arbitral tenues aux fins de l'inspection de marchandises, d'autres biens ou de pièces.

(3) Toutes les conclusions, pièces ou informations que l'une des parties fournit au tribunal arbitral doivent être communiquées à l'autre partie. Tout rapport d'expert ou document présenté en tant que preuve sur lequel le tribunal pourrait s'appuyer pour statuer doit également être communiqué aux parties.

Article 25. Défaut d'une partie

Sauf convention contraire des parties, si, sans invoquer d'empêchement légitime :

a) le demandeur ne présente pas sa demande conformément à l'article 23 (1), le tribunal arbitral met fin à la procédure arbitrale;

b) le défendeur ne présente pas ses défenses conformément à l'article 23 (1), le tribunal arbitral poursuit la procédure arbitrale sans considérer ce défaut en soi comme une acceptation des allégations du demandeur;

c) l'une des parties omet de comparaître à l'audience ou de produire des documents, le tribunal arbitral peut poursuivre la procédure et statuer sur la base des éléments de preuve dont il dispose.

Article 26. Expert nommé par le tribunal arbitral

(1) Sauf convention contraire des parties, le tribunal arbitral :

a) peut nommer un ou plusieurs experts chargés de lui faire rapport sur les points précis qu'il déterminera;

b) peut demander à une partie de fournir à l'expert tous renseignements appropriés ou de lui soumettre ou de lui rendre accessibles, aux fins d'examen, toutes pièces ou toutes marchandises ou autres biens pertinents.

(2) Sauf convention contraire des parties, si une partie en fait la demande ou si le tribunal arbitral le juge nécessaire, l'expert, après présentation de son rapport écrit ou oral, participe à une audience à laquelle les parties peuvent l'interroger et faire venir en qualité de témoins des experts qui déposent sur les questions litigieuses.

Article 27. Assistance des tribunaux pour l'obtention de preuves

Le tribunal arbitral, ou une partie avec l'approbation du tribunal arbitral, peut demander à un tribunal compétent du présent Etat une assistance pour l'obtention de preuves. Le tribunal peut satisfaire à cette demande, dans les limites de sa compétence et conformément aux règles relatives à l'obtention de preuves.

CHAPITRE VI PRONONCÉ DE LA SENTENCE ET CLÔTURE DE LA PROCÉDURE

Article 28. Règles applicables au fond du différend

(1) Le tribunal arbitral tranche le différend conformément aux règles de droit choisies par les parties comme étant applicables au fond du différend. Toute désignation de la loi ou du système juridique d'un Etat donné est considérée, sauf indication contraire expresse, comme désignant directement les règles juridiques de fond de cet Etat et non ses règles de conflit de lois.

(2) À défaut d'une telle désignation par les parties, le tribunal arbitral applique la loi désignée par la règle de conflit de lois qu'il juge applicable en l'espèce.

Article 17 I. Motifs du refus de la reconnaissance ou de l'exécution

(1) La reconnaissance ou l'exécution d'une mesure provisoire ne peut être refusée que :

a) à la demande de la partie contre laquelle cette mesure est invoquée, si le tribunal a la conviction :

(i) que ce refus est justifié par les motifs exposés à l'article 36 (1) a) (i), (ii), (iii) ou (iv); ou

(ii) que la décision du tribunal arbitral concernant la constitution d'une garantie en rapport avec la mesure provisoire qu'il a prononcée n'a pas été respectée; ou

(iii) que la mesure provisoire a été rétractée ou suspendue par le tribunal arbitral ou, lorsqu'il y est habilité, annulée ou suspendue par le tribunal de l'Etat dans lequel a lieu l'arbitrage ou conformément à la loi duquel cette mesure a été accordée; ou

b) si le tribunal constate :

(i) que la mesure provisoire est incompatible avec les pouvoirs qui lui sont conférés, à moins qu'il ne décide de reformuler cette mesure autant qu'il est nécessaire pour l'adapter à ses propres pouvoirs et procédures aux fins de la faire exécuter sans en modifier le fond; ou

(ii) que l'un quelconque des motifs exposés à l'article 36 (1) b) (i) ou (ii) s'applique à la reconnaissance et à l'exécution de la mesure provisoire.

(2) Toute décision prise par le tribunal pour l'un quelconque des motifs exposés au paragraphe (1) du présent article n'a d'effet qu'aux fins de la demande de reconnaissance et d'exécution de la mesure provisoire. Le tribunal auprès duquel la reconnaissance ou l'exécution est demandée n'examine pas, lorsqu'il prend sa décision, la mesure provisoire quant au fond.

Section 5. Mesures provisoires ordonnées par un tribunal

Article 17 J. Mesures provisoires ordonnées par un tribunal

Un tribunal dispose, pour prononcer une mesure provisoire en relation avec une procédure d'arbitrage, qu'elle ait ou non son lieu sur le territoire du présent Etat, du même pouvoir que celui dont il dispose en relation avec une procédure judiciaire. Il exerce ce pouvoir conformément à ses propres procédures en tenant compte des particularités d'un arbitrage international.

**CHAPITRE V.
CONDUITE DE LA PROCEDURE ARBITRALE**

Article 18. Egalité de traitement des parties

Les parties doivent être traitées sur un pied d'égalité et chaque partie doit avoir toute possibilité de faire valoir ses droits.

Article 19. Détermination des règles de procédure

(1) Sous réserve des dispositions de la présente loi, les parties sont libres de convenir de la procédure à suivre par le tribunal arbitral.

(2) Faute d'une telle convention, le tribunal arbitral peut, sous réserve des dispositions de la présente loi, procéder à l'arbitrage comme il le juge approprié. Les pouvoirs conférés au tribunal arbitral comprennent celui de juger de la recevabilité, de la pertinence et de l'importance de toute preuve produite.

Article 20. Lieu de l'arbitrage

(1) Les parties sont libres de décider du lieu de l'arbitrage. Faute d'une telle décision, ce lieu est fixé par le tribunal arbitral, compte tenu des circonstances de l'affaire, y compris les convenances des parties.

(2) Nonobstant les dispositions du paragraphe (1) du présent article, le tribunal arbitral peut, sauf convention contraire des parties, se réunir en tout lieu qu'il jugera approprié pour l'organisation de consultations entre ses membres, l'audition des témoins, des experts ou des parties, ou pour l'inspection de marchandises, d'autres biens ou de pièces.

Article 21. Début de la procédure arbitrale

Sauf convention contraire des parties, la procédure arbitrale concernant un différend déterminé débute à la date à laquelle la demande de soumission de ce différend à l'arbitrage est reçue par le défendeur.

Article 22. Langue

(1) Les parties sont libres de convenir de la langue ou des langues à utiliser dans la procédure arbitrale. Faute d'un tel accord, le tribunal arbitral décide de la langue ou des langues à utiliser dans la procédure. Cet accord ou cette décision, à moins qu'il n'en soit convenu ou décidé autrement, s'applique à toute déclaration écrite d'une partie, à toute procédure orale et à toute sentence, décision ou autre communication du tribunal arbitral.

(3) Les conditions définies à l'article 17 A s'appliquent à toute ordonnance préliminaire, pourvu que le préjudice à évaluer en vertu de l'alinéa a) du paragraphe (1) de l'article 17 A soit le préjudice qui sera probablement causé selon que l'ordonnance est prononcée ou non.

Article 17 C. Régime spécifique applicable aux ordonnances préliminaires

(1) Immédiatement après s'être prononcé sur une requête aux fins d'ordonnance préliminaire, le tribunal arbitral notifie à toutes les parties la demande de mesure provisoire, la requête aux fins d'ordonnance préliminaire, l'ordonnance préliminaire éventuellement prononcée et toutes autres communications y afférentes, entre une partie quelconque et le tribunal arbitral, y compris en indiquant le contenu de toute communication orale.

(2) Concomitamment, le tribunal arbitral donne à toute partie contre laquelle une ordonnance préliminaire est dirigée la possibilité de faire valoir ses droits dès que possible.

(3) Le tribunal arbitral se prononce rapidement sur toute contestation de l'ordonnance préliminaire.

(4) Une ordonnance préliminaire expire après vingt jours à compter de la date à laquelle elle a été prononcée par le tribunal arbitral. Toutefois, ce dernier peut prononcer une mesure provisoire qui adopte ou modifie l'ordonnance préliminaire, après que la partie contre laquelle cette ordonnance est dirigée a été avisée et que la possibilité lui a été donnée de faire valoir ses droits.

(5) Une ordonnance préliminaire s'impose aux parties, mais n'est pas susceptible d'exécution par un tribunal. Cette ordonnance préliminaire ne constitue pas une sentence.

Section 3. Dispositions applicables aux mesures provisoires et aux ordonnances préliminaires

Article 17 D. Modification, suspension, rétractation

Le tribunal arbitral peut modifier, suspendre ou rétracter une mesure provisoire ou une ordonnance préliminaire qu'il a prononcée, à la demande de l'une des parties ou, dans des circonstances exceptionnelles et à condition de le notifier préalablement aux parties, de sa propre initiative.

Article 17 E. Constitution d'une garantie

(1) Le tribunal arbitral peut exiger que la partie qui demande une mesure provisoire constitue une garantie appropriée en rapport avec la mesure.

(2) Le tribunal arbitral exige que la partie qui requiert une ordonnance préliminaire constitue une garantie en rapport avec l'ordonnance, sauf s'il le juge inapproprié ou inutile.

Article 17 F. Information

(1) Le tribunal arbitral peut exiger d'une partie quelconque qu'elle communique sans tarder tout changement important des circonstances sur la base desquelles la mesure a été demandée ou accordée.

(2) La partie qui requiert une ordonnance préliminaire informe le tribunal arbitral de toutes les circonstances que ce dernier est susceptible de juger pertinentes pour sa décision de prononcer ou de maintenir l'ordonnance, et cette obligation s'applique jusqu'à ce que la partie contre laquelle l'ordonnance a été requise ait eu la possibilité de faire valoir ses droits. Par la suite, le paragraphe (1) du présent article s'applique.

Article 17 G. Frais et dommages

La partie qui demande une mesure provisoire ou qui requiert une ordonnance préliminaire est responsable de tous les frais et de tous les dommages causés par la mesure ou l'ordonnance à une partie quelconque, si le tribunal arbitral décide par la suite qu'en l'espèce la mesure ou l'ordonnance n'aurait pas dû être prononcée. Le tribunal arbitral peut accorder réparation pour ces frais et dommages à tout moment pendant la procédure.

Section 4. Reconnaissance et exécution des mesures provisoires

Article 17 H. Reconnaissance et exécution

(1) Une mesure provisoire prononcée par un tribunal arbitral est reconnue comme ayant force obligatoire et, sauf indication contraire du tribunal arbitral, est exécutée sur demande adressée au tribunal compétent, quel que soit le pays où elle a été prononcée, sous réserve des dispositions de l'article 17 I.

(2) La partie qui demande ou a obtenu la reconnaissance ou l'exécution d'une mesure provisoire informe sans retard le tribunal de toute rétractation, suspension ou modification de cette mesure.

(3) Le tribunal de l'État où est demandée la reconnaissance ou l'exécution peut, s'il le juge bon, ordonner au demandeur de constituer une garantie appropriée si le tribunal arbitral ne s'est pas déjà prononcé concernant la garantie ou lorsqu'une telle décision est nécessaire pour protéger les droits de tiers.

(1) Le tribunal arbitral peut statuer sur sa propre compétence, y compris sur toute exception relative à l'existence ou à la validité de la convention distincte des autres clauses du contrat. La constatation de nullité du contrat par le tribunal arbitral n'entraîne pas de plein droit la nullité de la clause compromissoire.

(2) L'exception d'incompétence du tribunal arbitral peut être soulevée au plus tard lors du dépôt des conclusions en défense. Le fait pour une partie d'avoir désigné un arbitre ou d'avoir participé à sa désignation ne la prive pas du droit de soulever cette exception. L'exception prise de ce que la question litigieuse excéderait les pouvoirs du tribunal arbitral est soulevée dès que la question alléguée comme excédant ses pouvoirs est soulevée pendant la procédure arbitrale. Le tribunal arbitral peut, dans l'un ou l'autre cas, admettre une exception soulevée après le délai prévu, s'il estime que le retard est dû à une cause valable.

(3) Le tribunal arbitral peut statuer sur l'exception visée au paragraphe (2) du présent article soit en la traitant comme une question préalable, soit dans sa sentence sur le fond. Si le tribunal arbitral détermine, à titre de question préalable, qu'il est compétent, l'une ou l'autre partie peut, dans un délai de trente jours après avoir été avisée de cette décision, demander au tribunal visé à l'article 6 de rendre une décision sur ce point, laquelle ne sera pas susceptible de recours; en attendant qu'il soit statué sur cette demande, le tribunal arbitral est libre de poursuivre la procédure arbitrale et de rendre une sentence.

CHAPITRE IV. COMPÉTENCE DU TRIBUNAL ARBITRAL

Article 16. *Compétence du tribunal arbitral pour statuer sur sa propre compétence*

(1) Sauf convention contraire des parties, le tribunal arbitral peut, à la demande d'une partie, ordonner des mesures provisoires.

(2) Une mesure provisoire est toute mesure temporaire, qu'elle prenne la forme d'une sentence ou une autre forme, par laquelle, à tout moment avant le prononcé de la sentence qui tranchera définitivement le différend, le tribunal arbitral ordonne à une partie :

- a) de préserver ou de rétablir le statu quo en attendant que le différend ait été tranché;
- b) de prendre des mesures de nature à empêcher, ou de s'abstenir de prendre des mesures susceptibles de causer, un préjudice immédiat ou imminent ou une atteinte au processus arbitral lui-même;
- c) de fournir un moyen de sauvegarder des biens qui pourront servir à l'exécution d'une sentence ultérieure; ou
- d) de sauvegarder les éléments de preuve qui peuvent être pertinents et importants pour le règlement du différend.

Article 17 A. *Conditions d'octroi des mesures provisoires*

(1) La partie demandant une mesure provisoire en vertu des alinéas a), b) et c) du paragraphe (2) de l'article 17 convainc le tribunal arbitral :

- a) qu'un préjudice ne pouvant être réparé de façon adéquate par l'octroi de dommages-intérêts sera probablement causé si la mesure n'est pas ordonnée, et qu'un tel préjudice l'emporte largement sur celui que subira probablement la partie contre laquelle la mesure est dirigée si celle-ci est accordée; et
- b) qu'elle a des chances raisonnables d'obtenir gain de cause sur le fond du différend. La décision à cet égard ne porte pas atteinte à la liberté d'appréciation du tribunal arbitral lorsqu'il prendra une décision ultérieure quelconque.

(2) En ce qui concerne une demande de mesure provisoire en vertu de l'alinéa d) du paragraphe (2) de l'article 17, les conditions énoncées aux alinéas a) et b) du présent article ne s'appliquent que dans la mesure jugée appropriée par le tribunal arbitral.

Section 2. *Ordonnances préliminaires*

Article 17 B. *Requêtes aux fins d'ordonnances préliminaires et conditions d'octroi des ordonnances préliminaires*

(1) Sauf convention contraire des parties, une partie peut présenter, sans le notifier à aucune autre partie, une demande de mesure provisoire ainsi qu'une requête aux fins d'ordonnance préliminaire enjoignant à une partie de ne pas compromettre la mesure provisoire demandée.

(2) Le tribunal arbitral peut prononcer une ordonnance préliminaire à condition qu'il considère que la communication préalable de la demande de mesure provisoire à la partie contre laquelle elle est dirigée risque de compromettre cette mesure.

(3) Faute d'une telle convention :

- a) en cas d'arbitrage par trois arbitres, chaque partie nomme un arbitre et les deux arbitres ainsi nommés choisissent le troisième arbitre; si une partie ne nomme pas un arbitre dans un délai de trente jours à compter de la réception d'une demande à cette fin émanant de l'autre partie, ou si les deux arbitres ne s'accordent pas sur le choix du troisième arbitre dans un délai de trente jours à compter de leur désignation, la nomination est effectuée, sur la demande d'une partie, par le tribunal, ou autre autorité visé à l'article 6;
- b) en cas d'arbitrage par un arbitre unique, si les parties ne peuvent s'accorder sur le choix de l'arbitre, celui-ci est nommé, sur la demande d'une partie, par le tribunal ou autre autorité visé à l'article 6.

(4) Lorsque, durant une procédure de nomination convenue par les parties :

- a) une partie n'agit pas conformément à ladite procédure; ou

- b) les parties, ou deux arbitres, ne peuvent parvenir à un accord conformément à ladite procédure; ou
- c) un tiers, y compris une institution, ne s'acquiesce pas d'une fonction qui lui est confiée dans ladite procédure, l'une ou l'autre partie peut prier le tribunal ou autre autorité visé à l'article 6 de prendre la mesure voulue, à moins que la convention relative à la procédure de nomination ne stipule d'autres moyens d'assurer cette nomination.

- (5) La décision sur une question confiée au tribunal ou autre autorité visé à l'article 6 conformément aux paragraphes (3) ou (4) du présent article n'est pas susceptible de recours. Lorsque il nomme un arbitre, le tribunal tient compte de toutes les qualifications requises de l'arbitre par convention des parties et de toutes considérations propres à garantir la nomination d'un arbitre indépendant et impartial et, lorsque il nomme un arbitre unique ou un troisième arbitre, il tient également compte du fait qu'il peut être souhaitable de nommer un arbitre d'une nationalité différente de celle des parties.

Article 12. Motifs de récusation

- (1) Lorsqu'une personne est pressentie en vue de sa nomination éventuelle en qualité d'arbitre, elle signale toutes circonstances de nature à soulever des doutes légitimes sur son impartialité ou sur son indépendance. À partir de la date de sa nomination et durant toute la procédure arbitrale, l'arbitre signale sans tarder de telles circonstances aux parties, à moins qu'il ne l'ait déjà fait.

- (2) Un arbitre ne peut être récusé que s'il existe des circonstances de nature à soulever des doutes légitimes sur son impartialité ou son indépendance, ou si celui-ci ne possède pas les qualifications convenues par les parties. Une partie ne peut récusar l'arbitre qu'elle a nommé ou à la nomination duquel elle a participé que pour une cause dont elle a eu connaissance après cette nomination.

Article 13. Procédure de récusation

- (1) Sous réserve des dispositions du paragraphe (3) du présent article, les parties sont libres de convenir de la procédure de récusation de l'arbitre.

- (2) Faute d'un tel accord, la partie qui a l'intention de récusar un arbitre expose par écrit les motifs de la récusation au tribunal arbitral, dans un délai de quinze jours à compter de la date à laquelle elle a eu connaissance de la constitution du tribunal arbitral ou de la date à laquelle elle a eu connaissance des circonstances visées à l'article 12 (2). Si l'arbitre récusé ne se déporte pas ou que l'autre partie n'accepte pas la récusation, le tribunal arbitral se prononce sur la récusation.

- (3) Si la récusation ne peut être obtenue selon la procédure convenue par les parties ou en application du paragraphe (2) du présent article, la partie récusante peut, dans un délai de trente jours après avoir eu communication de la décision rejetant la récusation, prier le tribunal ou autre autorité visé à l'article 6 de prendre la récusation une décision qui ne sera pas susceptible de recours; dans l'attente de cette décision, le tribunal arbitral, y compris l'arbitre récusé, peut poursuivre la procédure arbitrale et rendre une sentence.

Article 14. Carence ou incapacité d'un arbitre

- (1) Lorsqu'un arbitre se trouve dans l'impossibilité de droit ou de fait de remplir sa mission ou, pour d'autres raisons, ne s'acquiesce pas de ses fonctions dans un délai raisonnable, son mandat prend fin s'il se déporte ou si les parties conviennent d'y mettre fin. Au cas où il subsiste un désaccord quant à l'un quelconque de ces motifs, l'une ou l'autre partie peut prier le tribunal ou autre autorité visé à l'article 6 de prendre une décision, qui ne sera pas susceptible de recours, sur la cessation du mandat.

- (2) Le fait que, en application du présent article ou de l'article 13 (2), un arbitre se déporte ou qu'une partie accepte que le mandat d'un arbitre prenne fin n'implique pas reconnaissance des motifs mentionnés à l'article 12 (2) ou dans le présent article.

Article 15. Nomination d'un arbitre remplaçant

Lorsqu'il est mis fin au mandat d'un arbitre conformément à l'article 13 ou 14, ou lorsque celui-ci se déporte pour toute autre raison, ou lorsque son mandat est révoqué par accord des parties ou dans tout autre cas où il est mis fin à son mandat, un arbitre remplaçant est nommé conformément aux règles qui étaient applicables à la nomination de l'arbitre remplacé.

Article 6. Tribunal ou autre autorité chargé de certaines fonctions d'assistance et de contrôle dans le cadre de l'arbitrage

Les fonctions mentionnées aux articles 11 (3), 11 (4), 13 (3), 14, 16 (3) et 34 (2) sont confiées à la Cour supérieure de justice.

CHAPITRE II CONVENTION D'ARBITRAGE

Option I

Article 7. Définition et forme de la convention d'arbitrage

(1) Une «convention d'arbitrage» est une convention par laquelle les parties décident de soumettre à l'arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel. Une convention d'arbitrage peut prendre la forme d'une clause compromissoire dans un contrat ou d'une convention séparée.

(2) La convention d'arbitrage doit se présenter sous forme écrite.

(3) Une convention d'arbitrage se présente sous forme écrite si son contenu est consigné sous une forme quelconque, que la convention elle-même ou le contrat aient ou non été conclus verbalement, du fait d'un comportement ou par d'autres moyens.

(4) Une communication électronique satisfait à l'exigence de forme écrite imposée pour la convention d'arbitrage si l'information qu'elle contient est accessible pour être consultée ultérieurement; le terme «communication électronique» désigne toute communication que les parties effectuent au moyen de messages de données; le terme «message de données» désigne l'information créée, envoyée, reçue ou conservée par des moyens électroniques, magnétiques ou optiques ou des moyens analogues, notamment, mais non exclusivement, l'échange de données informatisées (EDI), la messagerie électronique, le télégraphe, le télex ou la télécopie.

(5) En outre, une convention d'arbitrage se présente sous forme écrite si elle est consignée dans un échange de conclusions en demande et en réponse dans lequel l'existence d'une telle convention est alléguée par une partie et n'est pas contestée par l'autre.

(6) La référence dans un contrat à tout document contenant une clause compromissoire vaut convention d'arbitrage écrite, à condition que la référence soit telle qu'elle fasse de la clause une partie du contrat.

Option II

Article 7. Définition de la convention d'arbitrage

Une «convention d'arbitrage» est une convention par laquelle les parties décident de soumettre à l'arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel.

Article 8. Convention d'arbitrage et actions intentées quant au fond devant un tribunal

(1) Le tribunal saisi d'un différend sur une question faisant l'objet d'une convention d'arbitrage renverra les parties à l'arbitrage si l'une d'entre elles le demande au plus tard lorsqu'elle soumet ses premières conclusions quant au fond du différend, à moins qu'il ne constate que ladite convention est caduque, inopérante ou non susceptible d'être exécutée.

(2) Lorsque le tribunal est saisi d'une action visée au paragraphe (1) du présent article, la procédure arbitrale peut néanmoins être engagée ou poursuivie et une sentence peut être rendue en attendant que le tribunal ait statué.

Article 9. Convention d'arbitrage et mesures provisoires prises par un tribunal

La demande par une partie à un tribunal, avant ou pendant la procédure arbitrale, de mesures provisoires ou conservatoires et l'octroi de telles mesures par un tribunal ne sont pas incompatibles avec une convention d'arbitrage.

CHAPITRE III COMPOSITION DU TRIBUNAL ARBITRAL

Article 10. Nombre d'arbitres

(1) Les parties sont libres de convenir du nombre d'arbitres.

(2) Faute d'une telle convention, il est nommé trois arbitres.

Article 11. Nomination de l'arbitre ou des arbitres

(1) Nul ne peut, en raison de sa nationalité, être empêché d'exercer des fonctions d'arbitre, sauf convention contraire des parties.

(2) Les parties sont libres de convenir de la procédure de nomination de l'arbitre ou des arbitres, sans préjudice des dispositions des paragraphes (4) et (5) du présent article.

- (i) le lieu de l'arbitrage, s'il est stipulé dans la convention d'arbitrage ou déterminé en vertu de cette convention;
- (ii) tout lieu où doit être exécutée une partie substantielle des obligations issues de la relation commerciale ou le lieu avec lequel l'objet du différend a le lien le plus étroit;
- (c) les parties sont convenues expressément que l'objet de la convention d'arbitrage a des liens avec plus d'un pays.
- (4) Aux fins du paragraphe (3) du présent article :
- a) si une partie a plus d'un établissement, l'établissement à prendre en considération est celui qui a la relation la plus étroite avec la convention d'arbitrage;
- b) si une partie n'a pas d'établissement, sa résidence habituelle en tient lieu.
- (5) La présente loi ne porte atteinte à aucune autre loi du présent Etat en vertu de laquelle certains différends ne peuvent être soumis à l'arbitrage ou ne peuvent l'être qu'en application de dispositions autres que celles de la présente loi.

Article 2. Définitions et règles d'interprétation

Aux fins de la présente loi :

- a) le terme « arbitrage » désigne tout arbitrage que l'organisation en soit ou non confiée à une institution permanente d'arbitrage;
- b) l'expression « tribunal arbitral » désigne un arbitre unique ou un groupe d'arbitres;
- c) le terme « tribunal » désigne un organisme ou organe du système judiciaire d'un Etat;
- d) lorsqu'une disposition de la présente loi, à l'exception de l'article 28, laisse aux parties la liberté de décider d'une certaine question, cette liberté emporte le droit pour les parties d'autoriser un tiers, y compris une institution, à décider de cette question;
- e) lorsqu'une disposition de la présente loi se réfère au fait que les parties sont convenues ou peuvent convenir d'une question, ou se réfère de toute autre manière à une convention des parties, une telle convention englobe tout règlement d'arbitrage qui y est mentionné;
- f) lorsqu'une disposition de la présente loi, autre que celles de l'alinéa a) de l'article 25 et de l'alinéa (2) a) de l'article 32, se réfère à une demande, cette disposition s'applique également à une demande reconventionnelle et lorsqu'elle se réfère à des conclusions en défense, elle s'applique également à des conclusions en défense sur une demande reconventionnelle.

Article 2 A. Origine internationale et principes généraux

- (1) Pour l'interprétation de la présente loi, il est tenu compte de son origine internationale et de la nécessité de promouvoir l'uniformité de son application et le respect de la bonne foi.
- (2) Les questions concernant les matières régies par la présente loi qui ne sont pas expressément régies par elle sont tranchées selon les principes généraux dont elle s'inspire.

Article 3. Réception de communications écrites

- (1) Sauf convention contraire des parties :

- a) toute communication écrite est réputée avoir été reçue si elle a été remise soit à la personne du destinataire, soit à son établissement, à sa résidence habituelle ou à son adresse postale, si aucun de ces lieux n'a pu être trouvé après une enquête raisonnable, une communication écrite est réputée avoir été reçue si elle a été envoyée au dernier établissement, à la dernière résidence habituelle ou à la dernière adresse postale connue du destinataire par lettre recommandée ou tout autre moyen attestant la tentative de remise;
- b) la communication est réputée avoir été reçue le jour d'une telle remise.

- (2) Les dispositions du présent article ne s'appliquent pas aux communications échangées dans le cadre de procédures judiciaires.

Article 4. Renonciation au droit de faire objection

Est réputée avoir renoncé à son droit de faire objection toute partie qui, bien qu'elle sache que l'une des dispositions de la présente loi auxquelles les parties peuvent déroger, ou toute condition énoncée dans la convention d'arbitrage, n'a pas été respectée, poursuit néanmoins l'arbitrage sans formuler d'objection promptement ou, s'il est prévu un délai à cet effet, dans ledit délai.

Article 5.

Domaine de l'intervention des tribunaux

Pour toutes les questions régies par la présente loi, les tribunaux ne peuvent intervenir que dans les cas où celle-ci le prévoit.

1 La présente Convention entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt du troisième instrument de ratification ou d'adhésion.

2 Pour chacun des Etats qui ratifieront la Convention ou y adhéreront après le dépôt du troisième instrument de ratification ou d'adhésion, elle entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

Article XII

1 Tout Etat contractant pourra dénoncer la présente Convention par notification écrite adressée au Secrétaire général de l'Organisation des Nations Unies. La dénonciation prendra effet un an après la date où le Secrétaire général de l'Organisation des Nations Unies aura reçu la notification.

2 Tout Etat qui aura fait une déclaration ou une notification conformément à l'article X pourra notifier ultérieurement au Secrétaire général de l'Organisation des Nations Unies que la Convention cessera de s'appliquer au territoire en question un an après la date à laquelle le Secrétaire général aura reçu cette notification.

3 La présente Convention demeurera applicable aux sentences arbitrales au sujet desquelles une procédure de reconnaissance ou d'exécution aura été entamée avant l'entrée en vigueur de la dénonciation.

Article XIV

Un Etat contractant ne peut se réclamer des dispositions de la présente Convention contre d'autres Etats contractants que dans la mesure où il est lui-même tenu d'appliquer cette convention.

Article XV

Le Secrétaire général de l'Organisation des Nations Unies notifiera à tous les Etats visés à l'article VIII :

- a) Les signatures et ratifications visées à l'article VIII;
- b) Les adhésions visées à l'article IX;
- c) Les déclarations et notifications visées aux articles premier, X et XI;
- d) La date où la présente Convention entrera en vigueur, en application de l'article XII;
- e) Les dénonciations et notifications visées à l'article XIII.

Article XVI

1 La présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposée dans les archives de l'Organisation des Nations Unies.

2 Le Secrétaire général de l'Organisation des Nations Unies remettra une copie certifiée conforme de la présente Convention aux Etats visés à l'article VIII.

ANNEXE 2

LOI TYPE DE LA CNUDCI SUR L'ARBITRAGE COMMERCIAL INTERNATIONAL

(Documents des Nations Unies A/40/17, annexe I et A/61/17, annexe I)

**(telle qu'adoptée par la Commission des Nations Unies
pour le droit commercial international le 21 juin 1985,
et amendée par elle le 7 juillet 2006)**

CHAPITRE PREMIER. DISPOSITIONS GÉNÉRALES

Article premier. Champ d'application

- (1) La présente loi s'applique à l'arbitrage commercial international; elle ne porte atteinte à aucun accord multilatéral ou bilatéral en vigueur pour le présent Etat.
- (2) Les dispositions de la présente loi, à l'exception des articles 8, 9, 17 H, 17 I, 17 J, 35 et 36, ne s'appliquent que si le lieu de l'arbitrage est situé sur le territoire du présent Etat.
- (3) Un arbitrage est international si :
 - a) les parties à une convention d'arbitrage ont, au moment de la conclusion de ladite convention, leur établissement dans des Etats différents; ou
 - b) un des lieux ci-après est situé hors de l'Etat dans lequel les parties ont leur établissement :

Si l'annulation ou la suspension de la sentence est demandée à l'autorité compétente visée à l'article V, paragraphe 1 e), l'autorité devant qui la sentence est invoquée peut, si elle l'estime appropriée, surseoir à statuer sur l'exécution de la sentence; elle peut aussi, à la requête de la partie qui demande l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables.

Article VII

1 Les dispositions de la présente Convention ne portent pas atteinte à la validité des accords multilatéraux ou bilatéraux conclus par les Etats contractants en matière de reconnaissance et d'exécution de sentences arbitrales et ne privent aucune partie intéressée du droit qu'elle pourrait avoir de se prévaloir d'une sentence arbitrale de la manière et dans la mesure admises par la législation ou les traités du pays où la sentence est invoquée.

2 Le Protocole de Genève de 1923 relatif aux clauses d'arbitrage et la Convention de Genève de 1927 pour l'exécution des sentences arbitrales étrangères cesseront de produire leurs effets entre les Etats contractants du jour, et dans la mesure, où ceux-ci deviendront liés par la présente Convention.

Article VIII

1 La présente Convention est ouverte jusqu'au 31 décembre 1958 à la signature de tout Etat Membre des Nations Unies, ainsi que de tout autre Etat qui est, ou deviendra par la suite, membre d'une ou plusieurs institutions spécialisées des Nations Unies ou partie au Statut de la Cour internationale de Justice, ou qui aura été invité par l'Assemblée générale des Nations Unies.

2 La présente Convention doit être ratifiée et les instruments de ratification déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article IX

1 Tous les Etats visés à l'article VIII peuvent adhérer à la présente Convention.

2 L'adhésion se fera par le dépôt d'un instrument d'adhésion auprès du Secrétaire général de l'Organisation des Nations Unies.

Article X

1 Tout Etat pourra, au moment de la signature, de la ratification ou de l'adhésion, déclarer que la présente Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international, ou à l'un ou plusieurs d'entre eux. Cette déclaration produira ses effets au moment de l'entrée en vigueur de la Convention pour ledit Etat.

2 Par la suite, toute extension de cette nature se fera par notification adressée au Secrétaire général de l'Organisation des Nations Unies et produira ses effets à partir du quatre-vingt-dixième jour qui suivra la date à laquelle le Secrétaire général de l'Organisation des Nations Unies aura reçu la notification, ou à la date d'entrée en vigueur de la Convention pour ledit Etat si cette dernière date est postérieure.

3 En ce qui concerne les territoires auxquels la présente Convention ne s'applique pas à la date de la signature, de la ratification ou de l'adhésion, chaque Etat intéressé examinera la possibilité de prendre les mesures voulues pour étendre la Convention à ces territoires, sous réserve le cas échéant, lorsque des motifs constitutionnels l'exigeront, de l'assentiment des gouvernements de ces territoires.

Article XI

Les dispositions ci-après s'appliqueront aux Etats fédératifs ou non unitaires :

a) En ce qui concerne les articles de la présente Convention qui relèvent de la compétence législative du pouvoir fédéral, les obligations du gouvernement fédéral seront les mêmes que celles des Etats contractants qui ne sont pas des Etats fédératifs;

b) En ce qui concerne les articles de la présente Convention qui relèvent de la compétence législative de chacun des Etats ou provinces constituants, qui ne sont pas, en vertu du système constitutionnel de la fédération, tenus de prendre des mesures législatives, le gouvernement fédéral portera le plus tôt possible, et avec son avis favorable, lesdits articles à la connaissance des autorités compétentes des Etats ou provinces constituants;

c) Un Etat fédératif Partie à la présente Convention communiquera, à la demande de tout autre Etat contractant qui lui aura été transmise par l'intermédiaire du Secrétaire général de l'Organisation des Nations Unies, un exposé de la législation et des pratiques en vigueur dans la fédération et ses unités constituantes, en ce qui concerne telle ou telle disposition de la Convention, indiquant la mesure dans laquelle effet a été donné, par une action législative ou autre, à ladite disposition.

appliquera la Convention uniquement aux différends issus de rapports de droit, contractuels ou non contractuels, qui sont considérés comme commerciaux par sa loi nationale.

Article II

1 Chacun des Etats contractants reconnaît la convention écrite par laquelle les parties s'obligent à soumettre à un arbitrage tous les différends ou certains des différends qui se sont élevés ou pourraient s'élever entre elles au sujet d'un rapport de droit déterminé, contractuel ou non contractuel, portant sur une question susceptible d'être réglée par voie d'arbitrage.

2 On entend par «convention écrite» une clause compromissoire insérée dans un contrat, ou un compromis, signés par les parties ou contenus dans un échange de lettres ou de télégrammes.

3 Le tribunal d'un Etat contractant, saisi d'un litige sur une question au sujet de laquelle les parties ont conclu une convention au sens du présent article, renverra les parties à l'arbitrage, à la demande de l'une d'elles, à moins qu'il ne constate que ladite convention est caduque, inopérante ou non susceptible d'être appliquée.

Article III

Chacun des Etats contractants reconnaîtra l'autorité d'une sentence arbitrale et accordera l'exécution de cette sentence conformément aux règles de procédure suivies dans le territoire où la sentence est invoquée, aux conditions établies dans les articles suivants. Il ne sera pas imposé, pour la reconnaissance ou l'exécution des sentences arbitrales auxquelles s'applique la présente Convention, de conditions sensiblement plus rigoureuses, ni de frais de justice sensiblement plus élevés, que ceux qui sont imposés pour la reconnaissance ou l'exécution des sentences arbitrales nationales.

Article IV

1 Pour obtenir la reconnaissance et l'exécution visées à l'article précédent, la partie qui demande la reconnaissance et l'exécution doit fournir, en même temps que la demande :

a) L'original dûment authentifié de la sentence ou une copie de cet original réunissant les conditions requises pour son authenticité;

b) L'original de la convention visée à l'article II, ou une copie réunissant les conditions requises pour son authenticité.

2 Si ladite sentence ou ladite convention n'est pas rédigée dans une langue officielle du pays où la sentence est invoquée, la partie qui demande la reconnaissance et l'exécution de la sentence aura à produire une traduction de ces pièces dans cette langue. La traduction devra être certifiée par un traducteur officiel ou un traducteur juré ou par un agent diplomatique ou consulaire.

Article V

1 La reconnaissance et l'exécution de la sentence ne seront refusées, sur requête de la partie contre laquelle elle est invoquée, que si cette partie fournit à l'autorité compétente du pays où la reconnaissance et l'exécution sont demandées la preuve :

a) Que les parties à la convention visée à l'article II étaient, en vertu de la loi à elles applicable, frappées d'une incapacité, ou que ladite convention n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, à défaut d'une indication à cet égard, en vertu de la loi du pays où la sentence a été rendue; ou

b) Que la partie contre laquelle la sentence est invoquée n'a pas été dûment informée de la désignation de l'arbitre ou de la procédure d'arbitrage, ou qu'il lui a été impossible, pour une autre raison, de faire valoir ses moyens; ou

c) Que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions qui dépassent les termes du compromis ou de la clause compromissoire; toutefois, si les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, les premières pourront être reconnues et exécutées; ou

d) Que la constitution du tribunal arbitral ou la procédure d'arbitrage n'a pas été conforme à la convention des parties, ou, à défaut de convention, qu'elle n'a pas été conforme à la loi du pays où l'arbitrage a eu lieu; ou

e) Que la sentence n'est pas encore devenue obligatoire pour les parties ou a été annulée ou suspendue par une autorité compétente du pays dans lequel, ou d'après la loi duquel, la sentence a été rendue.

2 La reconnaissance et l'exécution d'une sentence arbitrale pourront aussi être refusées si l'autorité compétente du pays où la reconnaissance et l'exécution sont requises constate :

a) Que, d'après la loi de ce pays, l'objet du différend n'est pas susceptible d'être réglé par voie d'arbitrage; ou

b) Que la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public de ce pays.

Effet sur les autres questions

- (3) S'il statue sur l'exception en la traitant comme question préalable et qu'une requête est déposée en vertu du présent article, le tribunal arbitral conserve sa compétence à l'égard de toutes les autres questions auxquelles se rapporte l'arbitrage et il peut continuer à instruire l'instance.
- La Couronne est liée**
- 12 (1) La présente loi lie la Couronne.
- Opposabilité des sentences**
- (2) Les sentences arbitrales reconnues en vertu de la présente loi sont opposables à la Couronne selon la même procédure et dans la même mesure que tout jugement.

**PARTIE IV
MODIFICATIONS COMPLÉMENTAIRES**

Loi de 1991 sur l'arbitrage

- 13 Le paragraphe 52 (3) de la *Loi de 1991 sur l'arbitrage* est abrogé et remplacé par ce qui suit :
- Exécution de la sentence**

- (3) Le droit de présenter une requête en vue d'obtenir l'exécution d'une sentence se prescrit à compter du 31 décembre 2018 ou, si cette date est plus éloignée, à compter du dixième anniversaire des dates suivantes, selon le cas :
- a) la date à laquelle la sentence a été communiquée;
- b) si une requête en annulation de la sentence a été présentée, la date à laquelle la requête a été réglée de façon définitive.

Loi de 2002 sur la prescription des actions

- 14 (1) L'alinéa 16 (1) d) de la *Loi de 2002 sur la prescription des actions* est abrogé.
- (2) L'annexe de la Loi est modifiée par adjonction des rangées suivantes :

Arbitrage, Loi de 1991 sur l'	paragraphe 52 (3)
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Arbitrage commercial international, Loi de 2017 sur l'	article 10
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Abrogation

- 15 La *Loi sur l'arbitrage commercial international* est abrogée.

PARTIE V

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

- 16 La loi figurant à la présente annexe entre en vigueur le jour où la *Loi de 2017 sur l'allègement du fardeau réglementaire* reçoit la sanction royale.

Titre abrégé

- 17 Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2017 sur l'arbitrage commercial international*.

ANNEXE 1

CONVENTION POUR LA RECONNAISSANCE ET L'EXÉCUTION DES SENTENCES ARBITRALES ÉTRANGÈRES

Article premier

- 1 La présente Convention s'applique à la reconnaissance et à l'exécution des sentences arbitrales rendues sur le territoire d'un Etat autre que celui où la reconnaissance et l'exécution des sentences sont demandées, et issues de différends entre personnes physiques ou morales. Elle s'applique également aux sentences arbitrales qui ne sont pas considérées comme sentences nationales dans l'Etat où leur reconnaissance et leur exécution sont demandées.
- 2 On entend par «sentences arbitrales» non seulement les sentences rendues par des arbitres nommés pour des cas déterminés, mais également celles qui sont rendues par des organes d'arbitrage permanents auxquels les parties se sont soumises.
- 3 Au moment de signer ou de ratifier la présente Convention, d'y adhérer ou de faire la notification d'extension prévue à l'article X, tout Etat pourra, sur la base de la réciprocité, déclarer qu'il appliquera la Convention à la reconnaissance et à l'exécution des seules sentences rendues sur le territoire d'un autre Etat contractant. Il pourra également déclarer qu'il

PARTIE III DISPOSITIONS GÉNÉRALES

Requête visant la réunion d'instances d'arbitrage

8 (1) Si l'ensemble des parties à deux ou plusieurs instances d'arbitrage distinctes concluent un accord selon lequel elles s'engagent à procéder au moyen d'un arbitrage unique, une partie peut demander par requête à la Cour supérieure de justice, sur préavis donné à l'ensemble des autres parties, que soit rendue une ordonnance prévoyant la réunion des instances en conformité avec l'accord intervenu entre les parties.

Réunion permise sans ordonnance

(2) Le paragraphe (1) n'a pas pour effet d'empêcher les parties de procéder à la réunion des instances d'arbitrage sans ordonnance judiciaire.

Pouvoirs du tribunal

(3) Au moment où il statue sur une requête présentée en vertu du paragraphe (1), le tribunal peut, sous réserve des exigences prévues au paragraphe (4), rendre une ordonnance fixant les points énoncés ci-dessous, si toutes les parties ont convenu de procéder au moyen d'un arbitrage unique mais n'ont pas réglé ces points dans le cadre de règles procédurales adoptées ou autrement :

1. La désignation des parties en qualité de demandeurs ou de défendeurs ou la procédure applicable à ces désignations.
2. La procédure applicable au choix des membres du tribunal d'arbitrage.

Idem, restriction

(4) Dans les cas où les instances d'arbitrage sont introduites en vertu de conventions d'arbitrage distinctes, une ordonnance peut être rendue en vertu du paragraphe (1) seulement si les parties se sont entendues sur les points suivants, dans le cadre des conventions en cause ou autrement :

- a) un lieu commun pour la tenue de l'arbitrage en Ontario ou la marche à suivre pour la fixation d'un tel lieu;
- b) un ensemble commun de règles procédurales applicables aux instances d'arbitrage ou la marche à suivre pour l'établissement d'un tel ensemble de règles en vue de l'arbitrage unique;
- c) le recours ou l'absence de recours à une institution arbitrale commune pour la tenue de l'arbitrage unique.

Éléments pertinents

(5) En vue de rendre une ordonnance en vertu du présent article, le tribunal peut tenir compte des éléments suivants et de tout autre facteur qu'il estime pertinent :

- a) le fait qu'un ou plusieurs arbitres ont déjà été nommés pour l'ensemble ou une partie des arbitrages;
- b) le retard du requérant à demander la réunion des instances;
- c) tout préjudice important que la réunion des instances pourrait causer à l'une des parties ou toute injustice qui pourrait découler d'une telle mesure.

Suspension de l'instance

9 La décision du tribunal de renvoyer les parties à l'arbitrage en application du paragraphe II (3) de la Convention ou de l'article 8 de la Loi type opère suspension de l'instance judiciaire relativement aux questions visées par l'arbitrage.

Délai de prescription

10 Le droit de déposer une requête visant la reconnaissance ou l'exécution d'une sentence arbitrale (ou les deux) en vertu de la Convention ou de la Loi type se prescrit à compter du 31 décembre 2018 ou, si cette date est plus éloignée, à compter du dixième anniversaire des dates suivantes, selon le cas :

- a) la date à laquelle la sentence a été rendue;
- b) si la sentence fait l'objet d'un recours en annulation dans le lieu de l'arbitrage, la date à laquelle le recours en cause s'est terminé.

Appels relatifs à la compétence

11 (1) Si le tribunal arbitral donne droit à une exception présentée en vertu du paragraphe 16 (2) de la Loi type et rend une décision dans laquelle il décline compétence, l'une ou l'autre des parties peut demander par requête à la Cour supérieure de justice de se prononcer sur le bien-fondé de l'affaire.

Aucun appel

(2) La décision du tribunal visée au paragraphe (1) ne peut faire l'objet d'un appel.

PARTIE II
LA LOI TYPE

Interprétation

4 Sauf disposition contraire de la présente loi, les termes et expressions employés dans la présente partie s'entendent au sens de la Loi type.

Application de la Loi type

5 (1) Sous réserve de la présente loi, la Loi type sur l'arbitrage commercial international, que la Commission des Nations Unies pour le droit commercial international a adoptée le 21 juin 1985 et amendée le 7 juillet 2006, et dont le texte est reproduit à l'annexe 2, a force de loi en Ontario.

Idem

(2) En ce qui a trait à l'article 7 de la Loi type, l'option I qui y figure est retenue pour l'Ontario et l'option II est exclue.

Idem

(3) La Loi type s'applique aux conventions d'arbitrage commercial international et aux sentences arbitrales rendues à leur égard, peu importe qu'elles soient antérieures ou postérieures à l'entrée en vigueur de la présente loi.

Interprétation de la Loi type

6 (1) Pour l'application du paragraphe 5 (1), les mots et expressions figurant à la colonne 2 du tableau suivant, tels qu'ils sont employés dans les dispositions de la Loi type indiquées dans la colonne 1 du tableau, s'interprètent comme les mots et expressions mentionnés dans la rangée correspondante de la colonne 3 du tableau.

TABLEAU

Colonne 1	Colonne 2	Colonne 3
paragraphe 1 (1)	«accord multilatéral ou bilatéral en vigueur pour le présent Etat»	«accord en vigueur en Ontario que le Canada a conclu avec un ou plusieurs autres pays»
paragraphe 1 (2), articles 17 J, 27, sous-alinéas 34 (2) a) (i), 34 (2) b) (ii) et 36 (1) b) (ii)	«du présent Etat»	«de l'Ontario»
paragraphe 1 (3)	«des Etats différents» et «de l'Etat»	«des pays différents» et «du pays» respectivement
paragraphe 1 (5)	«à aucune autre loi du présent Etat»	«à aucune loi de l'Ontario ni à aucune des lois du Canada qui sont en vigueur en Ontario»
sous-alinéas 34 (2) b) (i) et 36 (1) b) (i)	«à la loi du présent Etat»	«à la loi de l'Ontario et aux lois du Canada qui sont en vigueur en Ontario»
paragraphe 35 (2)	«du présent Etat»	«du Canada»

Idem : «tribunal» et «tribunal compétent»

(2) Les termes «tribunal» et «tribunal compétent», lorsqu'ils visent dans la Loi type un tribunal de l'Ontario, valent mention de la Cour supérieure de justice, sauf si le contexte exige une interprétation différente.

Recours à des documents externes

(3) Pour l'application de la Loi type, il peut être fait appel aux documents suivants :

- a) les rapports de la Commission des Nations Unies pour le droit commercial international sur les travaux de sa 18^e session (tenue du 3 au 21 juin 1985) et de sa 39^e session (tenue du 19 juin au 7 juillet 2006) [documents des Nations Unies A/40/17 et A/61/17];
- b) le Commentaire analytique du projet de texte d'une Loi type sur l'arbitrage commercial international [document des Nations Unies A/CN.9/264];
- c) le Commentaire de la Commission des Nations Unies pour le droit commercial international ayant trait à sa Loi type sur l'arbitrage commercial international adoptée en 1985 avec les modifications adoptées en 2006 [publication des Nations Unies, numéro de vente F.08.V.4].

Règles applicables au fond du différend

7 Malgré le paragraphe 28 (2) de la Loi type, à défaut par les parties d'effectuer la désignation prévue par le paragraphe 28 (1) de cette loi, le tribunal arbitral applique les règles de droit qu'il estime indiquées eu égard à l'ensemble des circonstances relatives au différend.

ANNEXE 5 LOI DE 2017 SUR L'ARBITRAGE COMMERCIAL INTERNATIONAL

SOMMAIRE

PARTIE I LA CONVENTION

1. Interprétation
2. Application de la Convention
3. Tribunal compétent

PARTIE II LA LOI TYPE

4. Interprétation
5. Application de la Loi type
6. Interprétation de la Loi type
7. Règles applicables au fond du différend

PARTIE III DISPOSITIONS GÉNÉRALES

8. Requête visant la réunion d'instances d'arbitrage
9. Suspension de l'instance
10. Délai de prescription
11. Appels relatifs à la compétence
12. La Couronne est liée

PARTIE IV MODIFICATIONS COMPLÉMENTAIRES

13. Loi de 1991 sur l'arbitrage
14. Loi de 2002 sur la prescription des actions
15. Abrogation

PARTIE V ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

16. Entrée en vigueur
17. Titre abrégé
Annexe 1 Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères
Annexe 2 Loi type de la CNUDCI sur l'arbitrage commercial international

PARTIE I LA CONVENTION

Interprétation

1 Sauf disposition contraire de la présente loi, les termes et expressions employés dans la présente partie s'entendent au sens de la Convention.

Application de la Convention

2 (1) Sous réserve de la présente loi, la Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères que la Conférence des Nations Unies sur l'arbitrage commercial international a adoptée à New York le 10 juin 1958 et dont le texte est reproduit à l'annexe 1, a force de loi en Ontario à l'égard des sentences arbitrales ou des conventions d'arbitrage relatives à des différends découlant de rapports commerciaux de droit.

Idem

(2) Le paragraphe (1) s'applique aux sentences arbitrales et aux conventions d'arbitrage, qu'elles soient antérieures ou postérieures à l'entrée en vigueur de la présente loi.

Détermination de l'application

(3) Les règles suivantes servent à la qualification des sentences arbitrales pour l'application de la Convention :

- a) la sentence arbitrale a caractère international selon le droit de la province ou du territoire du Canada où elle est rendue n'est pas considérée comme sentence nationale pour l'application du paragraphe I (1) de la Convention;
- b) la sentence arbitrale ne revêtant pas un caractère international selon le droit de la province ou du territoire du Canada où elle est rendue est considérée comme sentence nationale pour l'application du paragraphe I (1) de la Convention.

Tribunal compétent

3 Les requêtes visant la reconnaissance et l'exécution de sentences arbitrales aux termes de la Convention sont présentées à la Cour supérieure de justice.

par la voie diplomatique, à chacun des États membres de la Conférence de La Haye de droit international privé lors de sa vingtième session, ainsi qu'à tout État ayant participé à cette Session.

membres ne seront pas Parties à cette Convention mais y seront liés en raison du fait de la signature, de l'acceptation, de l'approbation ou de l'adhésion de l'Organisation.

(2) Lorsqu'une déclaration est faite par une Organisation régionale d'intégration économique en conformité avec le paragraphe premier, toute référence à «Etat contractant» ou «Etat» dans la présente Convention s'applique également, le cas échéant, aux Etats membres de l'Organisation.

Article 31

Entrée en vigueur

(1) La présente Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de trois mois après le dépôt du deuxième instrument de ratification, d'acceptation, d'approbation ou d'adhésion visé par l'article 27.

(2) Par la suite, la présente Convention entrera en vigueur :

a) pour chaque Etat ou Organisation régionale d'intégration économique ratifiant, acceptant, approuvant ou y adhérant postérieurement, le premier jour du mois suivant l'expiration d'une période de trois mois après le dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion;

b) pour les unités territoriales auxquelles la présente Convention a été étendue conformément à l'article 28, paragraphe premier, le premier jour du mois suivant l'expiration d'une période de trois mois après la notification de la déclaration visée par ledit article.

Article 32

Déclarations

(1) Les déclarations visées aux articles 19, 20, 21, 22 et 26 peuvent être faites lors de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion ou à tout moment ultérieur et pourront être modifiées ou retirées à tout moment.

(2) Les déclarations, modifications et retraits sont notifiés au depositaire.

(3) Une déclaration faite au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion prendra effet au moment de l'entrée en vigueur de la Convention pour l'Etat concerné.

(4) Une déclaration faite ultérieurement, ainsi qu'une modification ou le retrait d'une déclaration, prendra effet le premier jour du mois suivant l'expiration d'une période de trois mois après la date de réception de la notification par le depositaire.

(5) Une déclaration faite en vertu des articles 19, 20, 21 et 26 ne s'applique pas aux accords exclusifs d'élection de for conclus avant qu'elle ne prenne effet.

Article 33

Dénunciation

(1) La présente Convention pourra être dénoncée par une notification écrite au depositaire. La dénonciation pourra se limiter à certaines unités territoriales d'un système juridique non unifié auxquelles s'applique la présente Convention.

(2) La dénonciation prendra effet le premier jour du mois suivant l'expiration d'une période de douze mois après la date de réception de la notification par le depositaire. Lorsqu'une période plus longue pour la prise d'effet de la dénonciation est précisée dans la notification, la dénonciation prendra effet à l'expiration de la période en question après la date de réception de la notification par le depositaire.

Article 34

Notifications par le depositaire

Le depositaire notifiera aux Membres de la Conférence de La Haye de droit international privé, ainsi qu'aux autres Etats et aux Organisations régionales d'intégration économique qui ont signé, ratifié, accepté, approuvé ou adhéré conformément aux articles 27, 29 et 30 les renseignements suivants :

- a) les signatures, ratifications, acceptations, approbations et adhésions prévues aux articles 27, 29 et 30;
- b) la date d'entrée en vigueur de la présente Convention conformément à l'article 31;
- c) les notifications, les déclarations, et les modifications et retraits des déclarations prévues aux articles 19, 20, 21, 22, 26, 28, 29 et 30;
- d) les dénonciations prévues à l'article 33.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le 30 juin 2005, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise,

a été conclu après cette Convention et que tous les Etats concernés sont Parties à cette Convention. Ce paragraphe s'applique uniquement si l'Etat contractant a fait une déclaration à l'égard de ce traité en vertu du présent paragraphe. Dans le cas d'une telle déclaration, les autres Etats contractants ne sont pas tenus d'appliquer cette Convention à cette matière particulière dans la mesure de l'incompatibilité, lorsqu'un accord exclusif d'élection de for désigne les tribunaux, ou un ou plusieurs tribunaux particuliers, de l'Etat contractant ayant fait cette déclaration.

(6) La présente Convention n'affecte pas l'application des règles d'une Organisation régionale d'intégration économique partie à cette Convention, que ces règles aient été adoptées avant ou après cette Convention :

a) lorsque aucune des parties ne réside dans un Etat contractant qui n'est pas un Etat membre de l'Organisation régionale d'intégration économique;

b) en ce qui a trait à la reconnaissance ou l'exécution de jugements entre les Etats membres de l'Organisation régionale d'intégration économique.

CHAPITRE V CLAUSES FINALES

Article 27

Signature, ratification, acceptation, approbation ou adhésion

(1) La présente Convention est ouverte à la signature de tous les Etats.

(2) La présente Convention est sujette à la ratification, à l'acceptation ou à l'approbation des Etats signataires.

(3) Tout Etat pourra adhérer à la présente Convention.

(4) Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion sont déposés auprès du Ministère des Affaires Etrangères du Royaume des Pays-Bas, dépositaire de la Convention.

Article 28

Déclarations relatives aux systèmes juridiques non unifiés

(1) Un Etat qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par la présente Convention peut, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, déclarer que la Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles, et pourra à tout moment modifier cette déclaration en faisant une nouvelle déclaration.

(2) Toute déclaration est notifiée au dépositaire et indique expressément les unités territoriales auxquelles la Convention s'applique.

(3) Si un Etat ne fait pas de déclaration en vertu du présent article, la Convention s'applique à l'ensemble du territoire de cet Etat.

(4) Le présent article ne s'applique pas à une Organisation régionale d'intégration économique.

Article 29

Organisations régionales d'intégration économique

(1) Une Organisation régionale d'intégration économique constituée seulement par des Etats souverains et ayant compétence sur certaines ou toutes les matières régies par la présente Convention peut également signer, accepter ou approuver cette Convention ou y adhérer. En pareil cas, l'Organisation régionale d'intégration économique aura les mêmes droits et obligations qu'un Etat contractant, dans la mesure où cette Organisation a compétence sur des matières régies par cette Convention.

(2) Au moment de la signature, de l'approbation ou de l'adhésion, l'Organisation régionale d'intégration économique notifie au dépositaire, par écrit, les matières régies par la présente Convention pour lesquelles ses Etats membres ont transféré leur compétence à cette Organisation. L'Organisation notifie aussitôt au dépositaire, par écrit, toute modification intervenue dans la délégation de compétence précisée dans la notification la plus récente faite en vertu du présent paragraphe.

(3) Pour les fins de l'entrée en vigueur de la présente Convention, tout instrument déposé par une Organisation régionale d'intégration économique n'est pas compté, à moins que l'Organisation régionale d'intégration économique déclare, en vertu de l'article 30, que ses Etats membres ne seront pas Parties à cette Convention.

(4) Toute référence à «Etat contractant» ou «Etat» dans la présente Convention s'applique également, le cas échéant, à une Organisation régionale d'intégration économique qui y est Partie.

Article 30

Adhésion par une Organisation régionale d'intégration économique sans ses Etats membres

(1) Au moment de la signature, de l'acceptation, de l'approbation ou de l'adhésion, une Organisation régionale d'intégration économique peut déclarer qu'elle a compétence pour toutes les matières régies par la présente Convention et que ses Etats

a) le tribunal d'origine était désigné dans un accord non exclusif d'élection de for;

b) il n'existe ni un jugement d'un autre tribunal devant lequel des procédures pourraient être engagées conformément à l'accord non exclusif d'élection de for, ni une procédure pendante entre les mêmes parties devant un tel autre tribunal ayant le même objet et la même cause; et

c) le tribunal d'origine était le premier tribunal saisi.

Article 23

Interprétation uniforme

Aux fins de l'interprétation de la présente Convention, il sera tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application.

Article 24

Examen du fonctionnement de la Convention

Le Secrétaire général de la Conférence de La Haye de droit international privé prend périodiquement des dispositions en vue de :

- a) l'examen du fonctionnement pratique de la présente Convention, y compris de toute déclaration; et
- b) l'examen de l'opportunité d'apporter des modifications à la présente Convention.

Article 25

Systèmes juridiques non unifiés

(1) Au regard d'un Etat contractant dans lequel deux ou plusieurs systèmes de droit ayant trait aux questions régies par la présente Convention s'appliquent dans des unités territoriales différentes :

a) toute référence à la loi ou à la procédure d'un Etat vise, le cas échéant, la loi ou la procédure en vigueur dans l'unité territoriale considérée;

b) toute référence à la résidence dans un Etat vise, le cas échéant, la résidence dans l'unité territoriale considérée;

c) toute référence au tribunal ou aux tribunaux d'un Etat vise, le cas échéant, le tribunal ou les tribunaux dans l'unité territoriale considérée;

d) toute référence au lien avec un Etat vise, le cas échéant, le lien avec l'unité territoriale considérée.

(2) Nonobstant le paragraphe précédent, un Etat contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu d'appliquer la présente Convention aux situations qui impliquent uniquement ces différentes unités territoriales.

(3) Un tribunal dans une unité territoriale d'un Etat contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu de reconnaître ou d'exécuter un jugement d'un autre Etat contractant pour le seul motif que le jugement a été reconnu ou exécuté dans une autre unité territoriale du même Etat contractant selon la présente Convention.

(4) Cet article ne s'applique pas à une Organisation régionale d'intégration économique.

Article 26

Rapport avec d'autres instruments internationaux

(1) La présente Convention doit être interprétée de façon à ce qu'elle soit, autant que possible, compatible avec d'autres traités en vigueur pour les Etats contractants, conclus avant ou après cette Convention.

(2) La présente Convention n'affecte pas l'application par un Etat contractant d'un traité, que ce traité ait été conclu avant ou après cette Convention, lorsque aucune des parties ne réside dans un Etat contractant qui n'est pas Partie au traité.

(3) La présente Convention n'affecte pas l'application par un Etat contractant d'un traité conclu avant l'entrée en vigueur de cette Convention pour cet Etat contractant, si l'application de cette Convention est incompatible avec les obligations de cet Etat contractant vis-à-vis de tout autre Etat non contractant. Le présent paragraphe s'applique aussi aux traités qui révisent ou se substituent à un traité conclu avant l'entrée en vigueur de cette Convention pour cet Etat contractant, sauf dans la mesure où la révision ou la substitution crée de nouvelles incompatibilités avec cette Convention.

(4) La présente Convention n'affecte pas l'application par un Etat contractant d'un traité, que ce traité ait été conclu avant ou après cette Convention, afin d'obtenir la reconnaissance ou l'exécution d'un jugement rendu par un tribunal d'un Etat contractant qui est également Partie à ce traité. Toutefois, ce jugement ne doit pas être reconnu ou exécuté à un degré moindre qu'en vertu de cette Convention.

(5) La présente Convention n'affecte pas l'application par un Etat contractant d'un traité qui, à l'égard d'une matière particulière, prévoit des règles relatives à la compétence ou la reconnaissance ou l'exécution des jugements, même si ce traité

CHAPITRE IV CLAUSES GÉNÉRALES

Article 16

Dispositions transitoires

(1) La présente Convention s'applique aux accords exclusifs d'élection de for conclus après son entrée en vigueur pour l'Etat du tribunal élu.

(2) La présente Convention ne s'applique pas aux litiges engagés avant son entrée en vigueur pour l'Etat du tribunal saisi.

Article 17

Contrats d'assurance et de réassurance

(1) Un litige en vertu d'un contrat d'assurance ou de réassurance n'est pas exclu du champ d'application de la présente Convention au motif que le contrat d'assurance ou de réassurance porte sur une matière à laquelle la Convention ne s'applique pas.

(2) La reconnaissance et l'exécution d'un jugement relatif à la responsabilité en vertu d'un contrat d'assurance ou de réassurance ne peuvent pas être limitées ou refusées au motif que la responsabilité en vertu de ce contrat comprend celle d'indemniser l'assuré ou le réassuré à l'égard :

a) d'une matière à laquelle la présente Convention ne s'applique pas; ou

b) d'une décision accordant des dommages et intérêts auxquels l'article 11 pourrait s'appliquer.

Article 18

Dispense de légalisation

Les documents transmis ou délivrés en vertu de la présente Convention sont dispensés de toute légalisation ou de toute formalité analogue, y compris une Apostille.

Article 19

Déclarations limitant la compétence

Un Etat peut déclarer que ses tribunaux peuvent refuser de connaître des litiges auxquels un accord exclusif d'élection de for s'applique s'il n'existe aucun lien, autre que le lieu du tribunal élu, entre cet Etat et les parties ou le litige.

Article 20

Déclarations limitant la reconnaissance et l'exécution

Un Etat peut déclarer que ses tribunaux peuvent refuser de reconnaître ou d'exécuter un jugement rendu par un tribunal d'un autre Etat contractant lorsque les parties avaient leur résidence dans l'Etat requis et que les relations entre les parties, ainsi que tous les autres éléments pertinents du litige, autres que le lieu du tribunal élu, étaient liés uniquement à l'Etat requis.

Article 21

Déclarations relatives à des matières particulières

(1) Lorsqu'un Etat a un intérêt important à ne pas appliquer la présente Convention à une matière particulière, cet Etat peut déclarer qu'il n'appliquera pas la présente Convention à cette matière. L'Etat qui fait une telle déclaration s'assure que la portée de celle-ci n'est pas plus étendue que nécessaire et que la matière particulière exclue est définie de façon claire et précise.

(2) A l'égard d'une telle matière, la Convention ne s'applique pas :

a) dans l'Etat contractant ayant fait la déclaration;

b) dans les autres Etats contractants lorsqu'un accord exclusif d'élection de for désigne les tribunaux, ou un ou plusieurs tribunaux particuliers, de l'Etat ayant fait la déclaration.

Article 22

Déclarations réciproques sur les accords non exclusifs d'élection de for

(1) Un Etat contractant peut déclarer que ses tribunaux reconnaîtront et exécuteront des jugements rendus par des tribunaux d'autres Etats contractants désignés dans un accord d'élection de for conclu entre deux ou plusieurs parties, qui est conforme aux exigences prévues à l'article 3, paragraphe c), et qui désigne, pour connaître des litiges nés ou à naître à l'occasion d'un rapport de droit déterminé, un tribunal ou des tribunaux d'un ou plusieurs Etats contractants (un accord non exclusif d'élection de for).

(2) Lorsque la reconnaissance ou l'exécution d'un jugement rendu dans un Etat contractant ayant fait une telle déclaration est requise dans un autre Etat contractant ayant fait une telle déclaration, le jugement est reconnu et exécuté en vertu de la présente Convention, si :

(2) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, ce jugement est fondé sur une décision relative à une matière exclue en vertu de l'article 2, paragraphe 2.

(3) Toutefois, dans le cas d'une décision sur la validité d'un droit de propriété intellectuelle autre qu'un droit d'auteur ou droit voisin, la reconnaissance ou l'exécution d'un jugement ne peut être refusée ou différée en vertu du paragraphe précédent que si :

a) cette décision est incompatible avec un jugement ou une décision d'une autorité compétente relatif à cette matière, rendu dans l'Etat du droit duquel découle ce droit de propriété intellectuelle; ou

b) une procédure sur la validité de ce droit de propriété intellectuelle est pendante dans cet Etat.

(4) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, ce jugement est fondé sur une décision relative à une matière exclue en vertu d'une déclaration faite par l'Etat requis au titre de l'article 21.

Article 11 Domages et intérêts

(1) La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, le jugement accorde des dommages et intérêts, y compris des dommages et intérêts exemplaires ou punitifs, qui ne compensent pas une partie pour la perte ou le préjudice réels subis.

(2) Le tribunal requis prend en considération si, et dans quelle mesure, le montant accordé à titre de dommages et intérêts par le tribunal d'origine est destiné à couvrir les frais et dépens du procès.

Article 12 Transactions judiciaires

Les transactions homologuées par un tribunal d'un Etat contractant désigné dans un accord exclusif d'élection de for ou passées devant ce tribunal au cours d'une instance, et qui sont exécutoires au même titre qu'un jugement dans l'Etat d'origine, sont exécutées en vertu de la présente Convention aux mêmes conditions qu'un jugement.

Article 13 Pièces à produire

(1) La partie qui requiert la reconnaissance ou qui demande l'exécution produit :

- a) une copie complète et certifiée conforme du jugement;
- b) l'accord exclusif d'élection de for, une copie certifiée de celui-ci ou une autre preuve de son existence;
- c) s'il s'agit d'un jugement rendu par défaut, l'original ou une copie certifiée conforme du document attestant que l'acte introductif d'instance ou un acte équivalent a été notifié à la partie défaisillante;
- d) tout document nécessaire pour établir que le jugement produit ses effets dans l'Etat d'origine ou, le cas échéant, qu'il est exécutoire dans cet Etat;
- e) dans le cas prévu à l'article 12, un certificat d'un tribunal de l'Etat d'origine attestant que la transaction judiciaire est exécutoire, en tout ou en partie, aux mêmes conditions qu'un jugement dans l'Etat d'origine.

(2) Si le contenu du jugement ne permet pas au tribunal requis de vérifier que les conditions du présent chapitre sont remplies, ce tribunal peut exiger tout document nécessaire.

(3) Une demande de reconnaissance ou d'exécution peut être accompagnée d'un document, délivré par un tribunal (y compris par une personne autorisée du tribunal) de l'Etat d'origine, sous la forme recommandée et publiée par la Conférence de La Haye de droit international privé.

(4) Si les documents mentionnés dans le présent article ne sont pas rédigés dans une langue officielle de l'Etat requis, ils sont accompagnés d'une traduction certifiée dans une langue officielle, sauf si la loi de l'Etat requis en dispose autrement.

Article 14 Procédure

La procédure tendant à obtenir la reconnaissance, l'exequatur ou l'enregistrement aux fins d'exécution, et l'exécution du jugement, sont régies par le droit de l'Etat requis sauf si la présente Convention en dispose autrement. Le tribunal requis agit avec célérité.

Article 15 Divisibilité

La reconnaissance ou l'exécution d'une partie dissociable d'un jugement est accordée, si la reconnaissance ou l'exécution de cette partie est demandée ou si seule une partie du jugement peut être reconnue ou exécutée en vertu de la présente Convention.

- e) le tribunal élu a décidé de ne pas connaître du litige.

Article 7

Mesures provisoires et conservatoires

Les mesures provisoires et conservatoires ne sont pas régies par la présente Convention. Celle-ci n'exige ni n'empêche l'octroi, le rejet ou la levée des mesures provisoires et conservatoires par un tribunal d'un Etat contractant. Elle n'affecte pas la possibilité pour une partie de demander de telles mesures, ni la faculté du tribunal d'accorder, de rejeter ou de lever de telles mesures.

CHAPITRE III

RECONNAISSANCE ET EXECUTION

Article 8

Reconnaissance et exécution

- (1) Un jugement rendu par un tribunal d'un Etat contractant désigné dans un accord exclusif d'élection de for est reconnu et exécuté dans les autres Etats contractants conformément au présent chapitre. La reconnaissance ou l'exécution peut être refusée aux seuls motifs énoncés dans la présente Convention.
- (2) Sans préjudice de ce qui est nécessaire à l'application des dispositions du présent chapitre, il n'est procédé à aucune révision au fond du jugement rendu par le tribunal d'origine. Le tribunal requis est lié par les constatations de fait sur lesquelles le tribunal d'origine a fondé sa compétence, sauf si le jugement a été rendu par défaut.
- (3) Un jugement n'est reconnu que s'il produit ses effets dans l'Etat d'origine et n'est exécuté que s'il est exécutoire dans l'Etat d'origine.

- (4) La reconnaissance ou l'exécution peut être refusée ou refusée si le jugement fait l'objet d'un recours dans l'Etat d'origine ou si le délai pour exercer un recours ordinaire n'a pas expiré. Un tel refus n'empêche pas une demande ultérieure de reconnaissance ou d'exécution du jugement.

- (5) Cet article s'applique également à un jugement rendu par un tribunal d'un Etat contractant suite à un renvoi de l'affaire du tribunal élu dans cet Etat contractant comme prévu par l'article 5, paragraphe 3. Toutefois, lorsque le tribunal élu disposait d'un pouvoir discrétionnaire de renvoyer l'affaire devant un autre tribunal, la reconnaissance ou l'exécution du jugement peut être refusée à l'égard d'une partie qui s'était opposée au renvoi en temps opportun dans l'Etat d'origine.

Article 9

Refus de reconnaissance ou d'exécution

La reconnaissance ou l'exécution peut être refusée si :

- a) l'accord était nul en vertu du droit de l'Etat du tribunal élu, à moins que celui-ci n'ait constaté que l'accord est valable;
- b) l'une des parties n'avait pas la capacité de conclure l'accord en vertu du droit de l'Etat requis;
- c) l'acte introductif d'instance ou un acte équivalent contenant les éléments essentiels de la demande :

- i) n'a pas été notifié au défendeur en temps utile et de telle manière qu'il puisse organiser sa défense, à moins que le défendeur n'ait comparu et présenté sa défense sans contester la notification devant le tribunal d'origine, à condition que le droit de l'Etat d'origine permette de contester la notification; ou
- ii) a été notifié au défendeur dans l'Etat requis de manière incompatible avec les principes fondamentaux de l'Etat requis relatifs à la notification de documents;

- d) le jugement résulte d'une fraude relative à la procédure;
- e) la reconnaissance ou l'exécution est manifestement incompatible avec l'ordre public de l'Etat requis, notamment dans les cas où la procédure aboutissant au jugement en l'espèce était incompatible avec les principes fondamentaux d'équité procédurale de cet Etat;

- f) le jugement est incompatible avec un jugement rendu dans l'Etat requis dans un litige entre les mêmes parties; ou
- g) le jugement est incompatible avec un jugement rendu antérieurement dans un autre Etat entre les mêmes parties dans un litige ayant le même objet et la même cause, lorsque le jugement rendu antérieurement réunit les conditions nécessaires à sa reconnaissance dans l'Etat requis.

Article 10

Questions préliminaires

- (1) Lorsqu'une matière exclue en vertu de l'article 2, paragraphe 2, ou en vertu de l'article 21 a été soulevée à titre préalable, la décision sur cette question n'est pas reconnue ou exécutée en vertu de la présente Convention.

Accords exclusifs d'élection de for

Article 3

Aux fins de la présente Convention :

- a) un «accord exclusif d'élection de for» signifie un accord conclu entre deux ou plusieurs parties, qui est conforme aux exigences prévues au paragraphe c), et qui désigne, pour connaître des litiges nés ou à naître à l'occasion d'un rapport de droit déterminé, soit les tribunaux d'un Etat contractant, soit un ou plusieurs tribunaux particuliers d'un Etat contractant, à l'exclusion de la compétence de tout autre tribunal;
- b) un accord d'élection de for qui désigne les tribunaux d'un Etat contractant, ou un ou plusieurs tribunaux particuliers d'un Etat contractant, est réputé exclusif sauf si les parties sont convenues expressément du contraire;
- c) un accord exclusif d'élection de for doit être conclu ou documenté :
 - i) par écrit; ou
 - ii) par tout autre moyen de communication qui rend l'information accessible pour être consultée ultérieurement;
- d) un accord exclusif d'élection de for faisant partie d'un contrat est considéré comme un accord distinct des autres clauses du contrat. La validité de l'accord exclusif d'élection de for ne peut être contestée au seul motif que le contrat n'est pas valable.

Article 4

Autres définitions

- (1) Au sens de la présente Convention, le terme «jugement» signifie toute décision sur le fond rendue par un tribunal, quelle que soit sa dénomination, telle qu'un arrêt ou une ordonnance, de même que la fixation des frais du procès par le tribunal (y compris le greffier du tribunal), à condition qu'elle ait trait à une décision sur le fond susceptible d'être reconnue ou exécutée en vertu de la présente Convention. Les mesures provisoires et conservatoires ne sont pas des jugements.
- (2) Aux fins de la présente Convention, une entité ou personne autre qu'une personne physique est réputée avoir sa résidence dans l'Etat :

- a) de son siège statutaire;
- b) selon le droit duquel elle a été constituée;
- c) de son administration centrale; ou
- d) de son principal établissement.

CHAPITRE II COMPÉTENCE

Article 5

Compétence du tribunal élu

- (1) Le tribunal ou les tribunaux d'un Etat contractant désignés dans un accord exclusif d'élection de for sont compétents pour connaître d'un litige auquel l'accord s'applique, sauf si celui-ci est nul selon le droit de cet Etat.
- (2) Le tribunal ayant compétence en vertu du paragraphe premier ne peut refuser d'exercer sa compétence au motif qu'un tribunal d'un autre Etat devrait connaître du litige.
- (3) Les paragraphes précédents n'affectent pas les règles relatives :
 - a) à la compétence d'attribution ou à la compétence fondée sur le montant de la demande;
 - b) à la répartition interne de compétence parmi les tribunaux d'un Etat contractant. Toutefois, lorsque le tribunal élu dispose d'un pouvoir discrétionnaire de renvoyer l'affaire, le choix des parties est dûment pris en considération.

Article 6

Obligations du tribunal non élu

- Tout tribunal d'un Etat contractant autre que celui du tribunal élu sursoit à statuer ou se dessaisit lorsqu'il est saisi d'un litige auquel un accord exclusif d'élection de for s'applique, sauf si :
- a) l'accord est nul en vertu du droit de l'Etat du tribunal élu;
 - b) l'une des parties n'avait pas la capacité de conclure l'accord en vertu du droit de l'Etat du tribunal saisi;
 - c) donner effet à l'accord aboutirait à une injustice manifeste ou serait manifestement contraire à l'ordre public de l'Etat du tribunal saisi;
 - d) pour des motifs exceptionnels hors du contrôle des parties, l'accord ne peut raisonnablement être mis en oeuvre; ou

CHAPITRE I CHAMP D'APPLICATION ET DÉFINITIONS

Article premier Champ d'application

- (1) La présente Convention s'applique, dans des situations internationales, aux accords exclusifs d'élection de for conclus en matière civile ou commerciale.
- (2) Aux fins du chapitre II, une situation est internationale sauf si les parties résident dans le même Etat contractant et si les relations entre les parties et tous les autres éléments pertinents du litige, quel que soit le lieu du tribunal élu, sont liés uniquement à cet Etat.
- (3) Aux fins du chapitre III, une situation est internationale lorsque la reconnaissance ou l'exécution d'un jugement étranger est requise.

Article 2

Exclusions du champ d'application

- (1) La présente Convention ne s'applique pas aux accords exclusifs d'élection de for :
- auxquels une personne physique agissant principalement dans un but personnel, familial ou domestique (un consommateur) est partie;
 - relatifs aux contrats de travail, y compris les conventions collectives.
- (2) La présente Convention ne s'applique pas aux matières suivantes :
- l'état et la capacité des personnes physiques;
 - les obligations alimentaires;
 - les autres matières du droit de la famille, y compris les régimes matrimoniaux et les autres droits ou obligations résultant du mariage ou de relations similaires;
 - les testaments et les successions;
 - l'insolvabilité, les concordats et les matières analogues;
 - le transport de passagers et de marchandises;
 - la pollution marine, la limitation de responsabilité pour des demandes en matière maritime, les avaries communes, ainsi que le remorquage et le sauvetage d'urgence;
 - les entraves à la concurrence;
 - la responsabilité pour les dommages nucléaires;
 - les demandes pour dommages corporels et moraux y afférents introduites par des personnes physiques ou en leur nom;
 - les demandes qui ne naissent pas d'une relation contractuelle et qui sont fondées sur la responsabilité délictuelle pour des dommages aux biens tangibles;
 - les droits réels immobiliers et les baux d'immeubles;
- (m) la validité, la nullité ou la dissolution d'une personne morale, et la validité des décisions de ses organes;
- (n) la validité des droits de propriété intellectuelle autres que les droits d'auteur et les droits voisins;
- (o) la contrefaçon des droits de propriété intellectuelle autres que les droits d'auteur et les droits voisins, à l'exception des litiges portant sur une contrefaçon fondée sur une violation du contrat entre les parties relatif à de tels droits, ou qui auraient pu être fondés sur une violation de ce contrat;
- (p) la validité des inscriptions sur les registres publics.

(3) Nonobstant le paragraphe 2, un litige n'est pas exclu du champ d'application de la présente Convention lorsqu'une matière exclue en vertu de ce paragraphe est soulevée seulement à titre préalable et non comme un objet du litige. En particulier, le seul fait qu'une matière exclue en vertu du paragraphe 2 est soulevée à titre de défense n'exclut pas le litige du champ d'application de la Convention, si cette matière n'est pas un objet du litige.

(4) La présente Convention ne s'applique pas à l'arbitrage et aux procédures y afférentes.

(5) Le seul fait qu'un Etat, y compris un gouvernement, une agence gouvernementale ou toute personne agissant pour le compte d'un Etat, est partie à un litige n'exclut pas celui-ci du champ d'application de la présente Convention.

(6) La présente Convention n'affecte pas les privilèges et immunités dont jouissent les Etats ou les organisations internationales, pour eux-mêmes et pour leurs biens.

LOI DE 2017 SUR LA CONVENTION SUR LES ACCORDS D'ÉLECTION DE FOR INTERNATIONAUX

ANNEXE 4

SOMMAIRE

INTERPRÉTATION

LA CONVENTION

1.	Définition
2.	Guide d'interprétation
3.	Application de la Convention
4.	Couronne liée
5.	Entrée en vigueur
6.	Titre abrégé
Annexe 1	Convention de La Haye du 30 juin 2005 sur les accords d'élection de for

INTERPRÉTATION

Définition

1 La définition qui suit s'applique à la présente loi.

«déclaration» Déclaration faite par le Canada en vertu de la Convention relativement à l'Ontario.

Guide d'interprétation

2 Afin d'interpréter la Convention, on peut avoir recours au Rapport explicatif de la Convention de La Haye de 2005 sur les accords d'élection de for, publié en 2013 par la Conférence de La Haye de droit international privé.

LA CONVENTION

Application de la Convention

3 Sous réserve de toute déclaration en vigueur, la Convention de La Haye du 30 juin 2005 sur les accords d'élection de for dont le texte est reproduit à l'annexe 1 a force de loi en Ontario à compter du jour de son entrée en vigueur, aux termes des articles 28 et 31 de la Convention.

Couronne liée

4 La présente loi lie la Couronne.

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

5 La loi figurant à la présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

Titre abrégé

6 Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2017 sur la Convention sur les accords d'élection de for internationaux*.

ANNEXE 1

CONVENTION DE LA HAYE DU 30 JUIN 2005 SUR LES ACCORDS D'ÉLECTION DE FOR

Les États parties à la présente Convention,

Désireux de promouvoir le commerce et les investissements internationaux en renforçant la coopération judiciaire,

Convaincus que cette coopération peut être renforcée par des règles uniformes sur la compétence et la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale,

Convaincus que cette coopération renforcée nécessite en particulier un régime juridique international apportant la sécurité et assurant l'efficacité des accords exclusifs d'élection de for entre les parties à des opérations commerciales et régissant la reconnaissance et l'exécution des jugements rendus dans le cadre de procédures fondées sur de tels accords,

Ont résolu de conclure la présente Convention et sont convenus des dispositions suivantes :

Entrée en vigueur

12 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

ANNEXE 3 ABROGATION DE LA LOI SUR LA VENTE EN BLOC

Loi sur la vente en bloc

1 La Loi sur la vente en bloc est abrogée.

Loi de 1998 sur l'électricité

2 (1) L'article 135 de la Loi de 1998 sur l'électricité est modifié par suppression de «La Loi sur la vente en bloc» au début de l'article.

(2) L'article 159 de la Loi est modifié par suppression de «La Loi sur la vente en bloc» au début de l'article.

Loi sur les appareils agricoles

3 (1) L'article 29 de la Loi sur les appareils agricoles est abrogé.

(2) Le paragraphe 30.1 (7) de la Loi est abrogé.

Loi sur le recouvrement du prix des produits agricoles

4 (1) L'alinéa 3 (1) b) de la Loi sur le recouvrement du prix des produits agricoles est modifié par suppression de «ou de la Loi sur la vente en bloc» à la fin de l'alinéa.

(2) L'alinéa 3 (2) b) de la Loi est modifié par suppression de «ou de la Loi sur la vente en bloc».

Loi de 2011 sur les services de logement

5 (1) La disposition 6 de l'article 83 de la Loi de 2011 sur les services de logement est abrogée.

(2) La disposition 2 du paragraphe 167 (1) de la Loi est abrogée.

Loi de 2002 sur la prescription des actions

6 L'annexe de la Loi de 2002 sur la prescription des actions est modifiée par suppression de la rangée correspondant à

«Vente en bloc, Loi sur la».

Loi de 2006 sur Metrolinx

7 Le paragraphe 44 (7) de la Loi de 2006 sur Metrolinx est modifié par suppression de «La Loi sur la vente en bloc» au début du paragraphe.

Loi sur les sûretés mobilières

~~8 (1) L'alinéa 4 (1) g) de la Loi sur les sûretés mobilières est abrogé.~~

(1) L'alinéa 4 (1) g) de la Loi sur les sûretés mobilières est abrogé et remplacé par ce qui suit :

g) à la vente de comptes ou d'actes mobiliers dans le cadre de la vente de l'entreprise dont ils découlent, à moins que le vendeur ne conserve le contrôle apparent de l'entreprise après la vente;

(2) Le paragraphe 20 (3) de la Loi est modifié par remplacement du passage qui précède l'alinéa c) et des alinéas c) et d) par ce qui suit :

prime l'intérêt visé au sous-alinéa (1) a) (ii) et produit ses effets à l'encontre d'une personne visée à l'alinéa (1) b).

Loi de 2002 sur la privatisation de la Caisse d'épargne de l'Ontario

9 L'article 10 de la Loi de 2002 sur la privatisation de la Caisse d'épargne de l'Ontario est abrogé.

Loi sur la taxe de vente au détail

10 (1) Le paragraphe 6 (3) de la Loi sur la taxe de vente au détail est modifié par remplacement de «dans le cadre d'une vente en bloc à laquelle s'applique la Loi sur la vente en bloc» par «, dans le cadre d'une vente en bloc à laquelle la Loi sur la vente en bloc, dans sa version antérieure à son abrogation, se serait appliquée si elle n'avait pas été

abrogée».

(2) Le paragraphe 6 (5) de la Loi est modifié par remplacement de «dans le cadre d'une vente en bloc à laquelle s'applique la Loi sur la vente en bloc» par «, dans le cadre d'une vente en bloc à laquelle la Loi sur la vente en bloc, dans sa version antérieure à son abrogation, se serait appliquée si elle n'avait pas été abrogée».

Loi de la taxe sur le tabac

11 (1) Le paragraphe 14 (1) de la Loi de la taxe sur le tabac est modifié par remplacement de «la Loi sur la vente en bloc» par «la Loi sur la

vente en bloc, dans sa version antérieure à son abrogation».

(2) Le paragraphe 14 (2) de la Loi est modifié par remplacement de «la Loi sur la vente en bloc» par «la Loi sur la

Frais recouvrables à titre d'amende

(2) Aux fins du versement et de l'exécution du paiement, les frais à payer aux termes du présent article sont réputés faire partie de l'amende impayée.

LOI DE 2010 FAVORISANT UN ONTARIO PROPRE AUX AFFAIRES

29 Le paragraphe 5 (17) de la Loi de 2010 favorisant un Ontario propre aux affaires est abrogé.

ENTRÉE EN VIGUEUR

Entrée en vigueur

30 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

(12) Pour l'application du paragraphe (11), les articles 51.3 à 51.8 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances comme s'il était un juge provincial, sous réserve des dispositions suivantes :

1. Un des membres du Conseil de la magistrature qui est un juge provincial est remplacé par un juge de la Cour supérieure de justice. Le juge en chef de la Cour de justice de l'Ontario décide quel juge doit être remplacé et le juge en chef de la Cour de justice de l'Ontario.
2. Les plaintes sont renvoyées au juge en chef de la Cour supérieure de justice plutôt qu'au juge en chef de la Cour de justice de l'Ontario.
3. Les recommandations du sous-comité concernant la suspension provisoire sont présentées au juge en chef de la Cour supérieure de justice, à qui les paragraphes 51.4 (10) et (11) s'appliquent avec les adaptations nécessaires.

Normes, formation et évaluation

(13) Sous réserve du consentement du juge en chef de la Cour supérieure de justice, les articles 51.9, 51.10 et 51.11 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances.

19 L'alinéa 102 (8) c) de la Loi est modifié par remplacement de «l'article 89 de la Loi sur les relations de travail» par «l'article 94 de la Loi de 1995 sur les relations de travail».

LOI SUR LES JUGES DE PAIX

20 (1) Le paragraphe 2.1 (7) de la Loi sur les juges de paix est abrogé et remplacé par ce qui suit :

Immunité

(7) Sont irrecevables les actions ou autres instances en dommages-intérêts introduites contre le Comité consultatif ou un de ses membres pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel d'un pouvoir ou d'une fonction du Comité consultatif ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ce pouvoir ou de cette fonction.

(2) Le paragraphe 2.1 (12.1) de la Loi est abrogé.

21 Le paragraphe 5.1 (1) de la Loi est modifié par remplacement de «peut remplacer» par «remplace» dans le passage qui précède la disposition 1.

22 (1) Le paragraphe 7 (1) de la Loi est modifié par remplacement de «au procureur général» par «au juge en chef de la Cour de justice de l'Ontario».

(2) Le paragraphe 7 (2) de la Loi est modifié par remplacement de «au procureur général» par «au juge en chef de la Cour de justice de l'Ontario».

23 Le paragraphe 8 (6) de la Loi est abrogé.

24 Le paragraphe 16 (7) de la Loi est abrogé.

LOI DE 2006 SUR LA LÉGISLATION

25 La définition de «règles de pratique» à l'article 87 de la Loi de 2006 sur la législation est abrogée et remplacée par ce qui suit :

«règles de pratique» Règles établies en vertu de la partie IV de la Loi sur les tribunaux judiciaires ou, sinon, par une autorité habilitée à établir des règles régissant la pratique et la procédure judiciaires. («rules of court»)

LOI SUR LES INGÉNIEURS

26 La disposition 16 du paragraphe 7 (1) de la Loi sur les ingénieurs est abrogée et remplacée par ce qui suit :

16. Prévoir la tenue et l'examen des tableaux dressés pour l'application de l'article 21.

27 L'alinéa 28 (4) h) de la Loi est modifié par remplacement de «au trésorier de l'Ontario» par «au ministre des Finances».

LOI SUR LES INFRACTIONS PROVINCIALES

28 La Loi sur les infractions provinciales est modifiée par adjonction de l'article suivant :

Frais de l'agence de recouvrement à payer

70.1 (1) Le défendeur paie les frais qu'une municipalité engage pour faire appel à une agence de recouvrement en règle inscrite en application de la Loi sur les services de recouvrement et de règlement de dette en vue de recouvrer une amende impayée, ces frais ne devant pas dépasser le montant approuvé par la municipalité.

3. Les lettres de démission visées à l'article 48 sont remises au procureur général plutôt qu'au juge en chef de la Cour de justice de l'Ontario.

17 Le paragraphe 86.2 (19) de la Loi est modifié par remplacement de «de ses fonctions aux termes du présent article» par «des pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

18 La Loi est modifiée par adjonction de l'article suivant :

Juge et chef de l'administration de la Cour des petites créances

87.2 (1) Le lieutenant-gouverneur en conseil peut, sur la recommandation du procureur général, nommer juge et chef de l'administration de la Cour des petites créances une personne qui possède les qualités requises énoncées au paragraphe 42 (2).

Consultation préalable

(2) Avant de faire une recommandation visée au paragraphe (1), le procureur général consulte le juge en chef de la Cour supérieure de justice.

Mandat

(3) Le mandat d'une personne nommée juge et chef de l'administration de la Cour des petites créances est d'une durée de cinq ans, sous réserve du paragraphe (5).

Mandat renouvelable

(4) Sous réserve du paragraphe (5), le lieutenant-gouverneur en conseil peut renouveler une fois pour une durée de cinq ans le mandat d'une personne nommée juge et chef de l'administration de la Cour des petites créances, si le juge en chef de la Cour supérieure de justice recommande le renouvellement.

Atteinte de 65 ans

(5) Toute période d'un mandat au cours de laquelle la personne qui exerce les fonctions de juge et chef de l'administration de la Cour des petites créances a plus de 64 ans mais moins de 75 ans est assujettie à l'approbation annuelle du juge en chef de la Cour supérieure de justice.

Atteinte de 75 ans

(6) Si une personne atteint l'âge de 75 ans pendant qu'elle exerce les fonctions de juge et chef de l'administration de la Cour des petites créances, son mandat est réputé expirer le même jour.

Indemnisation

(7) Le traitement et les prestations de retraite et autres avantages sociaux et allocations du juge et chef de l'administration de la Cour des petites créances sont soumis aux recommandations de la Commission de rémunération des juges provinciaux et, à cette fin, le juge et chef de l'administration de la Cour des petites créances est réputé être un juge provincial aux termes de la convention cadre énoncée à l'annexe de la présente loi.

Idem

(8) Jusqu'à la présentation des premières recommandations de la Commission de rémunération des juges provinciaux le concernant et sous réserve de celles-ci, le juge et chef de l'administration de la Cour des petites créances a le droit de recevoir aux termes de la convention cadre.

Application des art. 44 à 46

(9) Les paragraphes 44 (1) et (4) et les articles 45 et 46 s'appliquent, avec les adaptations nécessaires, au juge et chef de l'administration de la Cour des petites créances comme s'il était un juge provincial, sous réserve des dispositions suivantes :

1. Pour l'application du paragraphe 44 (1), le consentement du juge en chef de la Cour supérieure de justice est requis.

2. Pour l'application d'une requête visée à l'article 45, un des membres du Conseil de la magistrature qui est un juge provincial est remplacé par un juge de la Cour supérieure de justice. Le juge en chef de la Cour de justice de l'Ontario décide quel juge doit être remplacé et le juge en chef de la Cour supérieure de justice désigne le juge qui doit remplacer ce juge.

Démission

(10) Le juge et chef de l'administration de la Cour des petites créances peut démissionner en tout temps en remettant au procureur général une lettre de démission dûment signée.

Plaintes

(11) Toute personne peut porter devant le Conseil de la magistrature de l'Ontario, maintenu au titre de l'article 49, une plainte selon laquelle il y aurait eu inconvénient de la part du juge et chef de l'administration de la Cour des petites créances.

a.4) prévoir les questions visées aux alinéas a.2) et a.3) à l'égard du juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2;

(2) Le paragraphe 53 (3) de la Loi est modifié par remplacement de «l'alinéa (1) a.2) ou a.3)» à la fin du paragraphe.

12 L'alinéa 65 (2) d) de la Loi est abrogé et remplacé par ce qui suit :

d) le juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2;

13 Les paragraphes 70 (2) et (3) de la Loi sont abrogés.

14 La Loi est modifiée par adjonction de l'article suivant avant la partie V :

Règles à l'égard des infractions provinciales

70.1 (1) Sous réserve du paragraphe (2), le procureur général peut établir des règles à l'égard de la pratique et de la procédure à suivre dans les instances introduites devant la Cour d'appel, la Cour supérieure de justice et la Cour de justice de l'Ontario en vertu de la Loi sur les infractions provinciales, notamment des règles :

a) régissant les questions relatives à la pratique et à la procédure applicables aux instances introduites en vertu de la Loi sur les infractions provinciales;

b) prescrivant des formules;

c) régissant les fonctions des employés des tribunaux;

d) régissant les fonctions des employés municipaux et des autres personnes qui agissent aux termes d'ententes conclues en vertu de la partie X de la Loi sur les infractions provinciales;

e) prescrivant et régissant la procédure applicable aux termes d'une loi qui confère une compétence prévue par la Loi sur les infractions provinciales à la Cour de justice de l'Ontario, à un juge ou à un juge de paix qui y siège;

f) prescrivant les questions ayant trait aux instances introduites en vertu de la Loi sur les infractions provinciales, mentionnées dans une loi comme étant prévues par les règles de pratique.

Approbation préalable des tribunaux

(2) Avant de pouvoir établir une règle en vertu du paragraphe (1), le procureur général obtient l'approbation de l'un ou de plusieurs des juges suivants, soit le juge en chef de l'Ontario, le juge en chef de la Cour supérieure de justice et le juge en chef de la Cour de justice de l'Ontario, selon ce qu'il estime approprié compte tenu des instances auxquelles s'appliquerait la règle.

Recommandations et propositions des tribunaux

(3) Le procureur général examine les recommandations ou les propositions qui lui sont présentées par le juge en chef de l'Ontario, le juge en chef de la Cour supérieure de justice ou le juge en chef de la Cour de justice de l'Ontario relativement aux règles qui peuvent être établies en vertu du paragraphe (1).

15 Le paragraphe 73 (2) de la Loi est abrogé et remplacé par ce qui suit :

Attribution de pouvoirs ou de fonctions

(2) Le sous-procureur général ou son délégué peut, par écrit, attribuer à une personne ou à une catégorie de personnes une fonction ou un pouvoir conféré à un greffier, shérif, huissier, liquidateur des dépens, arbitre de la Cour des petites créances ou auditeur officiel en vertu d'une loi, d'un règlement ou d'une règle de pratique, sous réserve des conditions ou des restrictions énoncées dans l'acte d'attribution.

Idem

(2.1) Il est entendu qu'un pouvoir ou une fonction peut être attribué à une personne ou à une catégorie de personnes en vertu du paragraphe (2), que la ou les personnes aient été ou non nommées aux termes de la partie III de la Loi de 2006 sur la fonction publique de l'Ontario.

16 Les paragraphes 86.1 (7) et (8) de la Loi sont abrogés et remplacés par ce qui suit :

Champ d'application des art. 46 à 48

(7) Les articles 46 à 48 s'appliquent, avec les adaptations nécessaires, aux protonotaires chargés de la gestion des causes de la même manière qu'aux juges provinciaux, sous réserve des exceptions suivantes :

1. L'article 46 ne s'applique pas dans les circonstances dans lesquelles les règles de pratique exigent la participation au mode de règlement extrajudiciaire des différends.

2. Le paragraphe 47 (3) ne s'applique pas.

ANNEXE 2
MINISTÈRE DU PROCUREUR GÉNÉRAL
LOI SUR LES TRIBUNAUX JUDICIAIRES

1 L'article 14 de la Loi sur les tribunaux judiciaires est modifié par adjonction du paragraphe suivant :

Juge et chef de l'administration de la Cour des petites créances

(5.1) Le juge en chef de la Cour supérieure de justice peut, à l'égard de la Cour des petites créances, déléguer les pouvoirs et fonctions que lui attribue le paragraphe (1) au juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2, sous réserve des conditions ou restrictions qu'il précise.

2 L'alinéa 21 (2) b) de la Loi est modifié par remplacement de «d'un juge provincial ou d'un juge suppléant» par «d'une personne visée au paragraphe 24 (2)».

3 Le paragraphe 24 (2) de la Loi est abrogé et remplacé par ce qui suit :

Autres représentants de l'appareil judiciaire qui peuvent présider

(2) Malgré le paragraphe (1), les instances devant la Cour des petites créances peuvent également être entendues et jugées par l'un des juges suivants :

- a) un juge provincial qui était affecté à la Cour provinciale (Division civile) immédiatement avant le 1^{er} septembre 1990;
- b) un juge suppléant nommé en vertu de l'article 32;
- c) le juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2.

4 L'alinéa 33 (2) d) de la Loi est abrogé et remplacé par ce qui suit :

- d) du juge et chef de l'administration de la Cour des petites créances nommé en vertu de l'article 87.2 ou d'un juge suppléant nommé par le juge en chef;

5 Le paragraphe 33.1 (21) de la Loi est modifié par remplacement de «de ses fonctions aux termes du présent article» par «de ses pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

6 (1) Le paragraphe 43 (5) de la Loi est abrogé.

(2) L'article 43 de la Loi est modifié par adjonction du paragraphe suivant :

Immunité

(15) Sont irrecevables les actions ou autres instances en dommages-intérêts introduites contre le Comité ou un de ses membres pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel des pouvoirs ou fonctions du Comité ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions.

7 Le paragraphe 47 (8) de la Loi est abrogé.

8 (1) Les paragraphes 48 (1) et (2) de la Loi sont abrogés et remplacés par ce qui suit :

Démission et choix

Démission

(1) Un juge provincial peut démissionner en tout temps en remettant une lettre de démission dûment signée au juge en chef de la Cour de justice de l'Ontario ou, dans le cas du juge en chef, au procureur général.

Choix

(2) Un juge en chef, un juge en chef adjoint ou un juge principal régional peut, avant l'expiration de son mandat prévu à l'article 42, choisir de n'exercer que les fonctions de juge provincial, en remettant une lettre signée à cet effet au procureur général, dans le cas d'un juge en chef, ou au juge en chef de la Cour de justice de l'Ontario, dans les autres cas.

(2) Le paragraphe 48 (4) de la Loi est modifié par remplacement de «au procureur général de la lettre à cet effet» par «de la lettre à cet effet au juge en chef ou au procureur général, selon le cas».

9 (1) Le paragraphe 49 (7) de la Loi est abrogé.

(2) Le paragraphe 49 (27) de la Loi est modifié par remplacement de «de ses fonctions» par «de ses pouvoirs ou fonctions ou pour une négligence ou un manquement commis dans l'exercice de bonne foi de ces pouvoirs ou fonctions» à la fin du paragraphe.

10 Le paragraphe 51.8 (5) de la Loi est abrogé.

11 (1) Le paragraphe 53 (1) de la Loi est modifié par adjonction de l'alinéa suivant :

Partie III de la Loi de 2006 sur la législation

(7) La partie III de la Loi de 2006 sur la législation ne s'applique pas aux décrets pris en vertu du présent article.

Passage au régime des arrêtés pris par le ministre

(8) Un programme qui a été mis sur pied par le lieutenant-gouverneur en conseil en vertu du présent article avant le jour de l'entrée en vigueur de l'article 2 de l'annexe 1 de la Loi de 2017 sur l'allègement du fardeau réglementaire et qui est toujours en vigueur ce jour-là est réputé, à compter de ce jour, avoir été mis sur pied par le ministre en vertu de l'article 6.2.

Entrée en vigueur

4 La présente annexe entre en vigueur le jour où la Loi de 2017 sur l'allègement du fardeau réglementaire reçoit la sanction royale.

ANNEXE 1 MINISTÈRE DE L'AGRICULTURE, DE L'ALIMENTATION ET DES AFFAIRES RURALES LOI SUR LE MINISTÈRE DE L'AGRICULTURE, DE L'ALIMENTATION ET DES AFFAIRES RURALES

1 L'alinéa 4 a) de la Loi sur le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales est modifié par remplacement de «de l'agriculture et de l'alimentation» par «de l'agriculture, de l'alimentation et des affaires rurales» à la fin de l'alinéa.

2 La Loi est modifiée par adjonction des articles suivants :

Accords

6.1 Le ministre peut conclure des accords en toute matière qui relève de son autorité en vertu de la présente loi ou de toute autre loi.

Mise sur pied de programmes par le ministre

6.2 (1) Le ministre peut, par arrêté, mettre sur pied des programmes visant à favoriser l'essor d'un secteur de l'agriculture, de l'alimentation ou des affaires rurales.

Contenu de l'arrêté

(2) L'arrêté qui met sur pied un programme énonce ce qui suit :

- a) les conditions qui régissent la fourniture des services dans le cadre du programme;
- b) les conditions qui régissent la façon dont les subventions sont versées et les paiements effectués dans le cadre du programme ainsi que les circonstances dans lesquelles ils doivent être remboursés;
- c) les restrictions au droit de céder, de grever ou d'accorder à titre de cautionnement la subvention versée ou le paiement effectué dans le cadre du programme ainsi que la portée juridique d'une prétendue opération qui contrevient aux restrictions;
- d) les circonstances dans lesquelles les dépenses faites par les participants au programme dans le cadre du programme peuvent être remboursées par le ministre.

Droits

(3) L'arrêté qui met sur pied un programme peut :

- a) exiger que les personnes qui participent au programme ou que des catégories de ces personnes acquittent des droits;
- b) fixer le montant des droits;
- c) préciser les circonstances dans lesquelles les droits peuvent être remboursés et celles où une dispense de paiement peut être accordée.

Délégation de l'administration des programmes

(4) L'arrêté qui met sur pied un programme peut préciser que l'une ou l'autre des personnes suivantes est autorisée à administrer le programme :

- 1. Une personne employée aux termes de la partie III de la Loi de 2006 sur la fonction publique de l'Ontario qui travaille au ministère ou lui fournit des services.
- 2. Une personne ou entité, à l'exclusion d'une personne visée à la disposition 1, avec laquelle le ministre conclut un accord à l'égard de l'administration du programme.

Évaluateurs municipaux

(5) Le conseil de chaque municipalité nomme un ou plusieurs évaluateurs chargés d'enquêter sur les dommages causés au bétail ou aux volailles par des animaux sauvages, ou d'évaluer ceux-ci, si un programme exige la nomination de tels évaluateurs.

Publication des arrêtés

(6) Les arrêtés pris en vertu du paragraphe (1) sont publiés sur le site Web du gouvernement de l'Ontario.

Partie III de la Loi de 2006 sur la législation

(7) La partie III de la Loi de 2006 sur la législation ne s'applique pas aux arrêtés pris en vertu du présent article.

3 (1) Le paragraphe 7 (1) de la Loi est abrogé et remplacé par ce qui suit :

(1) Sur la recommandation du ministre, le lieutenant-gouverneur en conseil peut, par décret, mettre sur pied des programmes visant à favoriser l'essor d'un secteur de l'agriculture, de l'alimentation ou des affaires rurales.

(2) L'article 7 de la Loi est modifié par adjonction des paragraphes suivants :

Loi visant à alléger le fardeau réglementaire des entreprises, à édicter diverses lois et à modifier et abroger d'autres lois

SOMMAIRE

1.	Contenu de la présente loi
2.	Entrée en vigueur
3.	Titre abrégé
Annexe 1	Ministère de l'Agriculture, de l'Alimentation et des Affaires rurales
Annexe 2	Ministère du Procureur général
Annexe 3	Abrogation de la Loi sur la vente en bloc
Annexe 4	Loi de 2017 sur la Convention sur les accords d'élection de for internationaux
Annexe 5	Loi de 2017 sur l'arbitrage commercial international
Annexe 6	Loi de 2017 sur la reconnaissance internationale des communications électroniques internationales
Annexe 7	Loi de 2017 sur la reconnaissance internationale des fiducies
Annexe 8	Modifications de la Loi sur la vente internationale de marchandises
Annexe 9	Ministère des Affaires civiles et de l'Immigration
Annexe 10	Ministère de l'Énergie
Annexe 11	Ministère de l'Environnement et de l'Action en matière de changement climatique
Annexe 12	Ministère des Services gouvernementaux et des Services aux consommateurs
Annexe 13	Ministère du Travail
Annexe 14	Ministère des Richesses naturelles et des Forêts
Annexe 15	Ministère du Développement du Nord et des Mines
Annexe 16	Ministère du Tourisme, de la Culture et du Sport
Annexe 17	Ministère des Transports

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Contenu de la présente loi

1 La présente loi est constituée du présent article, des articles 2 et 3 et de ses annexes.

Entrée en vigueur

2 (1) Sous réserve des paragraphes (2) et (3), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Annexes

(2) Les annexes de la présente loi entrent en vigueur comme le prévoit chacune d'elles.

Différentes dates pour une même annexe

(3) Si une annexe de la présente loi prévoit que l'une ou l'autre de ses dispositions entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation, la proclamation peut s'appliquer à une ou à plusieurs d'entre elles. En outre, des proclamations peuvent être prises à des dates différentes en ce qui concerne n'importe lesquelles de ces dispositions.

Titre abrégé

3 Le titre abrégé de la présente loi est *Loi de 2017 sur l'allègement du fardeau réglementaire*.

À l'heure actuelle, le paragraphe 166 (1) du Code exige que les véhicules, les bicyclettes et les chevaux qui rattrapent un tramway immobilisé pour permettre aux passagers d'y monter ou d'en descendre demeurent à au moins 2 mètres derrière l'entrée ou la sortie situées à l'avant ou à l'arrière jusqu'à ce que les passagers soient en sécurité dans le tramway ou se soient rendus en toute sécurité sur le côté de la rue. Le paragraphe est réédité pour faire mention de n'importe quelle porte du tramway. La mention de bicyclettes aux paragraphes 166 (1) et (2) est supprimée, car un véhicule, par définition, comprend une bicyclette.

L'article 174 du Code est modifié pour prévoir que les exigences selon lesquelles le conducteur d'un véhicule de transport en commun ou d'un autobus scolaire ne doit pas changer de vitesse pendant qu'il traverse un passage à niveau ne s'appliquent qu'aux conducteurs de véhicules à transmission manuelle.

Actuellement, le paragraphe 202 (1) du Code exige que les procureurs de la Couronne et les agents de police fassent rapport d'accidents mortels au registraire des véhicules automobiles. Le paragraphe est réédité pour qu'il ne s'applique plus aux procureurs de la Couronne.

À l'heure actuelle, le paragraphe 205.22 (1) du Code prévoit que le défendeur qui a donné avis de son intention de comparaître au procès et qui ne comparait pas est réputé ne pas contester l'accusation. Le paragraphe est réédité pour préciser que le défendeur est réputé ne pas désirer contester l'accusation si un avis des date, heure et lieu de la tenue du procès lui a été délivré et qu'il ne comparait pas au procès.

L'article 210 du Code exige que les avis de déclaration de culpabilité à l'égard de certaines infractions précisées soient remis au registraire des véhicules automobiles. Actuellement, le paragraphe 210 (1.1) énumère les infractions prévues à diverses lois, dont le *Code de la route*, commises au moyen d'un véhicule automobile, d'un tramway, d'un bateau ou d'une motoneige et à l'égard desquelles cet avis doit être remis. Les paragraphes 210 (1) et (1.1) sont réédités pour prévoir qu'une déclaration de culpabilité à l'égard de n'importe quelle infraction au Code exige la remise d'un tel avis.

Enfin, des corrections sont apportées à la version française d'un certain nombre de dispositions. Finalement, des modifications d'ordre administratif sont apportées au Code. La référence à la *Loi sur les transports routiers* (Canada) aux articles 17 et 17.0.2 du Code est corrigée. La mention de «chèque impayé» à l'alinéa 46 (4) d) est remplacée par «paiement refusé».

Le nouvel article 114.1 prévoit que les règlements qui adoptent des documents par renvoi peuvent les adopter dans leurs versions successives postérieures à la prise des règlements.

L'annexe apporte un certain nombre de modifications d'ordre administratif à la Loi, notamment une modification visant à mettre à jour la définition de «règlements de la pêche en Ontario» au paragraphe 1 (1) et une modification visant à mettre à jour le renvoi à une loi fédérale au paragraphe 87 (2).

Loi sur l'aménagement des lacs et des rivières

L'annexe modifie l'alinéa 14 (3) a) de la Loi sur l'aménagement des lacs et des rivières, lequel exige que la personne qui présente au ministre une demande d'approbation de plans et devis en vue de la construction d'un barrage sur un lac ou une rivière joigne à la demande trois copies des plans et devis. Désormais, la personne devra joindre le nombre de copies qu'exige le ministre, celui-ci ne pouvant en exiger plus de trois. Plusieurs modifications de forme sont également apportées à la Loi.

Loi sur les terres publiques

L'annexe modifie la Loi sur les terres publiques pour y ajouter une disposition donnant à une personne le droit d'occuper des terres publiques afin d'y construire ou placer et d'y utiliser un bâtiment, une structure ou un objet d'un type ou d'une catégorie prescrit ou qui est conforme aux caractéristiques prescrites. Aucun bail, permis ou autre acte prévu par la Loi n'est requis afin d'autoriser l'occupation des terres publiques en application de cette disposition. Les règles régissant l'occupation des terres publiques sont précisées dans la Loi et les règlements. Toute personne qui occupe des terres publiques en vertu de la nouvelle disposition doit les quitter et enlever les bâtiments, structures ou objets qui s'y trouvent si elle est tenue de le faire par règlement ou par avis donné par le ministre.

ANNEXE 15

MINISTÈRE DU DÉVELOPPEMENT DU NORD ET DES MINES

L'annexe modifie l'article 10 de la Loi sur le ministère du Développement du Nord, des Mines et des Forêts afin d'accorder au ministre le pouvoir de mettre sur pied des programmes en vertu de cet article. À l'heure actuelle, les programmes sont mis sur pied par le lieutenant-gouverneur en conseil, sur la recommandation du ministre.

ANNEXE 16

MINISTÈRE DU TOURISME, DE LA CULTURE ET DU SPORT

Loi sur la Société d'exploitation de la Place de l'Ontario

L'annexe modifie la Loi sur la Société d'exploitation de la Place de l'Ontario afin d'élargir les buts de la Société d'exploitation de la Place de l'Ontario.

L'article 9 de la Loi est modifié en vue d'étendre les pouvoirs de développement, d'acquisition, de construction, d'exploitation, d'entretien et de gestion de la Société d'exploitation de la Place de l'Ontario. La Société d'exploitation de la Place de l'Ontario est également investie du pouvoir d'acquisition et d'aliénation de biens-fonds ou de tout intérêt sur des biens-fonds, sous réserve de l'approbation du lieutenant-gouverneur en conseil.

ANNEXE 17

MINISTÈRE DES TRANSPORTS

Code de la route

La définition de «bicyclette assistée» au paragraphe 1 (1) du Code est modifiée pour préciser que la bicyclette doit être munie en tout temps de pédales pouvant être actionnées et peut en tout temps être propulsée sur une surface plane au moyen de pédales actionnées uniquement par la force musculaire. Des modifications connexes sont apportées à l'article 82 du Code. Par exemple, les paragraphes 82 (2) et (3) sont réédifiés pour donner aux agents de police et aux agents d'exécution des règlements de la route le pouvoir d'exiger que des bicyclettes assistées soient présentées à des examens et à des vérifications. Une modification corrélatrice est apportée au projet de loi 173, *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, si les modifications aux paragraphes 82 (2) et (3) du Code de la route prévues dans cette loi ne sont pas en vigueur avant l'entrée en vigueur de la réédition de ces paragraphes dans la présente annexe.

À l'heure actuelle, le paragraphe 62 (14) du Code permet l'usage de feux de détresse rouges clignotants. Le paragraphe est réédité pour permettre aussi l'usage d'un indicateur de changement de direction.

Le nouvel article 110.5 prévoit la nomination d'accompagnateurs de véhicules de dimensions excessives. Ces personnes seront investies du pouvoir de diriger la circulation ou de fermer des voies publiques lors de l'accompagnement de véhicules ou d'ensembles de véhicules dont les dimensions ou le poids excèdent les limites prévues au Code. Une modification corrélatrice est apportée au paragraphe 146.1 (5) du Code pour permettre aux accompagnateurs de véhicules de dimensions excessives d'utiliser des panneaux d'arrêt et de ralentissement de la circulation.

À l'heure actuelle, le paragraphe 146.1 (2) du Code permet aux pompiers de faire usage d'un panneau d'arrêt ou de ralentissement de la circulation sur les lieux d'un accident. Le paragraphe est réédité pour permettre aux pompiers de faire usage d'un tel panneau dans le cadre d'une intervention en cas d'urgence sur une chaussée ou près d'une chaussée.

ANNEXE 13
MINISTÈRE DU TRAVAIL

Loi de 2015 sur la protection des enfants artistes

L'annexe modifie la Loi de 2015 sur la protection des enfants artistes à l'égard des dépenses pour déplacement de plus de 24 heures, du nombre d'heures que les enfants artistes peuvent travailler au cours d'une journée, des règles relatives aux pauses et des exigences concernant l'accompagnement individuel par un adulte.

Loi de 2013 sur les professionnels en ressources humaines inscrits

L'annexe modifie la Loi de 2013 sur les professionnels en ressources humaines inscrits afin d'autoriser certains membres de l'Association des professionnels en ressources humaines à faire des enquêtes en milieu de travail.

ANNEXE 14
MINISTÈRE DES RICHESSES NATURELLES ET DES FORÊTS

Loi de 1994 sur la durabilité des forêts de la Couronne

L'annexe modifie la Loi de 1994 sur la durabilité des forêts de la Couronne pour faire passer la durée maximale d'un permis forestier accordé en vertu de l'article 27 de la Loi de cinq ans à 10 ans et pour faire passer la durée maximale de la période de renouvellement d'un tel permis d'un an à deux ans. L'annexe prévoit aussi que les documents qui sont adoptés par renvoi dans des manuels rédigés en application de l'article 68 et des règlements pris en vertu de l'article 69 puissent être adoptés dans leurs versions successives.

Loi de 1997 sur la protection du poisson et de la faune

L'annexe modifie la Loi de 1997 sur la protection du poisson et de la faune.

À l'heure actuelle, le paragraphe 1 (1) de la Loi définit les mammifères à fourrure, les amphibiens gibier, le gibier à plume, les mammifères gibier et les reptiles gibier de même que les amphibiens spécialement protégés, les oiseaux spécialement protégés, les invertébrés spécialement protégés, les mammifères spécialement protégés, les rapaces spécialement protégés et les reptiles spécialement protégés comme étant des membres de l'espèce correspondante mentionnée aux annexes 1 à 11 de la Loi ou prescrite par les règlements comme étant une telle espèce. Les annexes 1 à 11 sont abrogées et les définitions sont modifiées pour en supprimer la mention.

Le paragraphe 1 (7) est modifié pour préciser les critères servant à déterminer dans quel cas un fusil à allumage électronique qui se charge par la bouche est considéré comme étant une arme à feu chargée pour l'application de la Loi.

Le paragraphe 6 (2) autorise actuellement le titulaire d'un permis de piégeage des mammifères à fourrure à chasser ou piéger les animaux sauvages mentionnés à ce paragraphe dans la mesure où la saison de chasse tombe dans la période allant du 1^{er} septembre d'une année au 30 juin de l'année suivante. Le paragraphe est modifié pour aussi autoriser le titulaire à chasser les animaux sauvages mentionnés à ce paragraphe dans la mesure où la saison de chasse tombe dans toute période additionnelle prescrite par les règlements. Un pouvoir réglementaire connexe est ajouté à l'article 112.

Le paragraphe 16 (1) interdit actuellement à une personne ayant une arme à feu en sa possession en vue de chasser ou de tendre des pièges de la décharger ou de la manipuler sans prendre les précautions nécessaires ou sans égard raisonnable à autrui ou à des biens, et le paragraphe 16 (2) exige d'une personne qu'elle signale toute blessure causée par la décharge d'une arme à feu pendant que la personne est en possession de l'arme à feu en vue de chasser ou de tendre des pièges. Les paragraphes sont modifiés pour s'appliquer également à une personne qui est en possession d'une arme à feu en vue de pêcher.

L'actuel alinéa 31 (3) b) prévoit qu'une personne ne peut harceler, capturer ou tuer, aux fins de protection des biens, un cerf de Virginie, un cerf wapiti ou un autre animal sauvage que prescrivent les règlements, à moins de le faire conformément à l'autorisation du ministre des Richesses naturelles et des Forêts. L'alinéa est modifié pour prévoir que cela peut également être fait dans les circonstances que prescrivent les règlements. Un pouvoir réglementaire connexe est ajouté à l'article 112.

Aux termes du nouvel article 72.1, le ministre peut refuser de délivrer tout permis visé par la Loi ou tout élément de celui-ci à la personne qui n'a pas payé une amende imposée relativement à une infraction visée à la Loi ou à la Loi sur les pêches (Canada) tant que l'amende n'est pas acquittée.

Le paragraphe 76 (1) prévoit actuellement que les avis de refus ou d'annulation d'un permis signifiés par le ministre et visés à ce paragraphe doivent être signifiés à personne, par courrier ou par tout autre mode prescrit par les règlements. Un pouvoir avis doivent être signifiés à personne, par courrier ou par tout autre mode prescrit par les règlements.

L'alinéa 104 (1) c) prévoit actuellement que si une personne est déclarée coupable d'une infraction au paragraphe 16 (1) pour avoir utilisé une arme à feu de manière imprudente, le tribunal doit ordonner qu'avant de demander un permis de chasse, la personne termine avec succès un cours de formation des chasseurs prescrit par les règlements et réussisse un examen établi pour les auteurs d'une demande de permis de chasse. L'alinéa est réécrit pour prévoir que le tribunal doit ordonner qu'avant de demander un permis de chasse, la personne satisfasse aux exigences en matière de formation prescrites par les règlements pour le permis et réussisse les examens prescrits par les règlements pour le permis.

la Loi de 2002 sur la gestion des éléments nutritifs, la Loi sur les ressources en eau de l'Ontario, la Loi sur les pesticides, la Loi de 2002 sur la salubrité de l'eau potable et la Loi de 2009 sur la réduction des toxiques.

L'annexe apporte d'autres modifications mineures, y compris des modifications de forme, à diverses lois.

ANNEXE 12

MINISTÈRE DES SERVICES GOUVERNEMENTAUX ET DES SERVICES AUX CONSOMMATEURS

Loi sur les sociétés par actions

À l'heure actuelle, avec certaines exceptions, les réunions du conseil d'administration d'une société doivent se tenir à son siège social. Une modification prévoit que, sauf disposition contraire des statuts ou des règlements administratifs de la société, les réunions du conseil d'administration peuvent se tenir n'importe où. L'annexe apporte également certaines modifications de forme.

Loi de 1994 portant réforme de la réglementation des entreprises

L'annexe modifie la Loi en ce qui concerne les identificateurs d'entreprises. À l'heure actuelle, le ministre chargé de l'application de l'article 8 de la Loi peut conclure des accords avec certains types d'entités pour exiger qu'elles utilisent le système d'identificateurs d'entreprises établi en vertu de la Loi. La modification autorise le ministre à conclure ces accords avec deux autres types d'entités : les personnes morales qui appliquent une loi désignée (ou des dispositions d'une loi désignée) pour le compte du gouvernement de l'Ontario et les sociétés de la Couronne qui exercent les pouvoirs ou les fonctions que leur attribue une loi désignée.

Loi de 2002 sur la protection du consommateur

Le directeur au sens de la Loi peut conclure un accord avec d'autres entités qui divulgueront des renseignements au ministre dans le but de les rendre publics. Ces entités comprennent un autre ministre du gouvernement de l'Ontario, une société qui applique des textes législatifs de l'Ontario, un organisme, un conseil ou une commission de l'Ontario, une municipalité ou le gouvernement du Canada.

Le ministre peut régler une plainte reçue en vertu de l'article 105 de la Loi par la médiation si les parties à la plainte acceptent la médiation. Le ministre peut demander par écrit à chaque partie à la médiation de lui fournir les documents ou autres preuves se rapportant à la plainte.

En plus de ses pouvoirs d'inspection lui donnant le droit de pénétrer dans un lieu, l'inspecteur peut communiquer avec n'importe quelle personne ayant le contrôle des activités du fournisseur, et peut exercer ses pouvoirs d'inspection à l'égard du fournisseur ou de la personne s'il établit que le fournisseur est assujéti à la présente loi et que la personne a la contrôle des activités du fournisseur.

Le pouvoir du directeur de déléguer le pouvoir de prendre une ordonnance est élargi pour inclure la délégation du pouvoir d'envisager de prendre une ordonnance en vertu de certains articles de la Loi.

Loi sur l'accès à l'information et la protection de la vie privée

Loi sur l'accès à l'information municipale et la protection de la vie privée

Chacune de ces lois exige actuellement que la personne qui demande l'accès à un document s'adresse par écrit à l'institution qui, à son avis, a la garde ou le contrôle du document. L'annexe modifie chaque loi pour exiger aussi que la personne précise que la demande est présentée en vertu de la Loi.

Loi sur l'enregistrement des droits immobiliers

La définition de «acte frauduleux» dans la Loi est rendue plus générale par la suppression d'exemples précis de fraudes:

Lorsqu'une servitude est enregistrée en vertu de l'article 39 de la Loi, le directeur des droits immobiliers est autorisé à déterminer la preuve requise pour consigner la servitude sur le titre ainsi que la façon de le faire.

Pour prouver la proportion dont ils sont propriétaires, les copropriétaires ne sont plus tenus de fournir un affidavit, mais plutôt de fournir au directeur des droits immobiliers la preuve qu'il exige.

Loi sur les sûretés mobilières

Le créancier garantissant n'est plus tenu de remettre une copie de l'état de vérification au débiteur dans les 30 jours de la date d'enregistrement de l'état de financement ou de l'état de modification du financement, si le débiteur a renoncé au droit d'en recevoir une copie. L'annexe apporte également une modification de forme à la version française de la Loi.

Loi de 2000 sur les normes techniques et la sécurité

L'annexe impose un délai de 90 jours pour interjeter appel devant un directeur en vertu de l'article 22 de la Loi.

LOI DE 2017 SUR LA CONVENTION SUR LES COMMUNICATIONS ÉLECTRONIQUES INTERNATIONALES
ANNEXE 6
L'annexe met en oeuvre la Convention des Nations Unies sur l'utilisation de communications électroniques dans les contrats internationaux.

LOI DE 2017 SUR LA RECONNAISSANCE INTERNATIONALE DES FIDUCIES
ANNEXE 7

L'annexe met en oeuvre la Convention relative à la loi applicable au trust et à sa reconnaissance.

MODIFICATIONS DE LA LOI SUR LA VENTE INTERNATIONALE DE MARCHANDISES
ANNEXE 8

L'annexe modifie la Loi sur la vente internationale de marchandises pour prévoir la mise en oeuvre en Ontario de la Convention sur la prescription en matière de vente internationale de marchandises et de la Convention sur la prescription en matière de vente internationale de marchandises modifiée par le Protocole modifiant la Convention sur la prescription en matière de vente internationale de marchandises. En conséquence, le titre de la Loi est remplacé par celui de *Loi sur les conventions de vente internationale*.

L'annexe apporte une modification corrélatrice à la Loi de 2002 sur la prescription des actions pour prévoir que cette loi ne s'applique pas aux instances auxquelles s'applique l'une des Conventions sur la prescription.

MINISTÈRE DES AFFAIRES CIVILES ET DE L'IMMIGRATION
ANNEXE 9

L'annexe modifie la Loi de 2006 sur l'accès équitable aux professions réglementées et aux métiers à accréditation obligatoire et apporte des modifications complémentaires à d'autres lois. Les employés du Bureau du commissaire à l'équité sont nommés aux termes de la partie III de la Loi de 2006 sur la fonction publique de l'Ontario.

MINISTÈRE DE L'ÉNERGIE
ANNEXE 10

Loi de 1998 sur l'électricité
L'annexe modifie la Loi de 1998 sur l'électricité afin d'offrir aux intervenants du marché un processus d'appel plus souple qui donne à la Commission de l'énergie de l'Ontario jusqu'à 120 jours pour rendre une décision définitive dans un appel d'une modification apportée aux règles du marché.

Loi de 1998 sur la Commission de l'énergie de l'Ontario

L'annexe apporte diverses modifications à la Loi de 1998 sur la Commission de l'énergie de l'Ontario, dont les suivantes :

1. La Commission de l'énergie de l'Ontario (la « Commission ») est autorisée à exercer ses pouvoirs à l'égard d'un service public réglementé, même si un liquidateur ou un agent semblable a été nommé à son égard.

2. La Commission se voit conférer le pouvoir d'adopter des règles et d'assortir les permis de conditions concernant les périodes pendant lesquelles l'approvisionnement en gaz ou en électricité fourni aux petits consommateurs ne peut pas être débranché.

3. Les fréquences auxquelles la Commission doit rendre des ordonnances à l'égard de la prise en compte des comptes de report ou d'écart dans les tarifs ne sont plus explicitement indiquées.
4. La Commission se voit conférer le pouvoir de publier les résultats d'une inspection en matière de vérification et de conformité, sous réserve d'une décision quant à leur confidentialité.

5. Le pouvoir discrétionnaire de la Commission est renforcé en ce qui concerne l'examen d'acquisitions auxquelles sont parties des producteurs propriétaires d'éléments d'actif de transport ou de distribution ou des transporteurs ou distributeurs propriétaires d'éléments d'actif de production. Par ailleurs, la Commission est habilitée à soustraire certaines opérations minières à cet examen.

ANNEXE 11
MINISTÈRE DE L'ENVIRONNEMENT ET DE L'ACTION EN MATIÈRE DE CHANGEMENT CLIMATIQUE

Loi sur la protection de l'environnement

L'annexe modifie la Loi sur la protection de l'environnement de sorte que les actes prescrits cessent de s'appliquer à une activité exercée sur un site à l'égard de laquelle un enregistrement visé à la partie II.2 de la Loi est en vigueur.

Autres lois

L'annexe modifie chacune des lois suivantes pour inclure des dispositions exigeant des personnes qu'elles répondent aux demandes raisonnables de renseignements afin de déterminer si elles se conforment à la Loi : la Loi de 2006 sur l'eau saine,

2. Le juge en chef de la Cour supérieure de justice peut déléguer au juge et chef de l'administration de la Cour des petites créances ses pouvoirs en matière d'administration et de surveillance des sessions de la Cour des petites créances et d'assignation des fonctions judiciaires de celle-ci.
 3. Le juge et chef de l'administration de la Cour des petites créances peut être nommé membre du Conseil des juges suppléants.
 4. Le juge et chef de l'administration de la Cour des petites créances est membre du Comité des règles en matière civile.
- Enfin, plusieurs dispositions transitoires périmées sont abrogées et un renvoi est mis à jour à l'alinéa 102 (8) c) de la Loi.

Loi sur les juges de paix

L'article 2.1 de la *Loi sur les juges de paix* est modifié par adjonction d'une disposition accordant l'immunité au Comité consultatif sur la nomination des juges de paix et à ses membres.

Le paragraphe 5.1 (1) de la Loi est modifié de façon à exiger que le procureur général remplace, à la demande d'un juge de paix, sa désignation de juge de paix par celle de juge de paix mandaté sur une base journalière, s'il est satisfait à des conditions précises.

L'article 7 de la Loi est modifié de façon à prévoir que les juges de paix remettent leur lettre de démission au juge en chef de la Cour de justice de l'Ontario plutôt qu'au procureur général.

Enfin, plusieurs dispositions transitoires périmées sont abrogées.

Loi de 2006 sur la législation

Une modification corrélatrice est apportée à la définition de «règles de pratique» à l'article 87 de la *Loi de 2006 sur la législation* pour tenir compte de la modification relative au pouvoir d'établir des règles apportée par la présente annexe à l'article 70 de la *Loi sur les tribunaux judiciaires*.

Loi sur les ingénieurs

Deux modifications d'ordre administratif sont apportées à la *Loi sur les ingénieurs*. La disposition 16 du paragraphe 7 (1) de la Loi est réécrite pour tenir compte de modifications connexes apportées antérieurement à l'article 21 de la Loi et, à l'alinéa 28 (4) h) de la Loi, la mention du trésorier de l'Ontario est actualisée.

Loi sur les infractions provinciales

L'article 70.1 est ajouté à la *Loi sur les infractions provinciales*. Ce nouvel article exige que les défendeurs paient certains frais de recouvrement qu'engage une municipalité pour recouvrer une amende en cas de défaut de paiement. Ces frais de recouvrement sont réputés faire partie de l'amende impayée.

Loi de 2010 favorisant un Ontario propice aux affaires

Le paragraphe 5 (17) de l'annexe 2 de la *Loi de 2010 favorisant un Ontario propice aux affaires*, qui visait à abroger, s'il était entré en vigueur, l'alinéa 12 (3) a) de la *Loi sur les ingénieurs*, est lui-même abrogé. L'alinéa 12 (3) a) de la *Loi sur les ingénieurs* prévoit qu'il n'est pas requis, sauf dans certaines circonstances, d'être titulaire d'un permis, d'un permis temporaire, d'un permis provisoire, d'un permis restreint ou d'un certificat d'autorisation pour accomplir les actes relevant de l'exercice de la profession d'ingénieur et se rapportant à la machinerie ou au matériel, autre que le matériel de structure, qui sert dans les installations de l'employeur de l'intéressé pour la fabrication de produits par cet employeur.

ANNEXE 3

ABROGATION DE LA LOI SUR LA VENTE EN BLOC

L'annexe abroge la *Loi sur la vente en bloc* et apporte des modifications corrélatives à d'autres lois.

ANNEXE 4

LOI DE 2017 SUR LA CONVENTION SUR LES ACCORDS D'ÉLECTION DE FOR INTERNATIONAUX

L'annexe met en oeuvre la Convention de La Haye du 30 juin 2005 sur les accords d'élection de for.

ANNEXE 5

LOI DE 2017 SUR L'ARBITRAGE COMMERCIAL INTERNATIONAL

L'annexe abroge et remplace la *Loi sur l'arbitrage commercial international*. La nouvelle loi prévoit l'application en Ontario de la Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères que la Conférence des Nations Unies sur l'arbitrage commercial international a adoptée à New York le 10 juin 1958 et de la *Loi type sur l'arbitrage commercial international* que la Commission des Nations Unies pour le droit commercial international a adoptée le 21 juin 1985 et qu'elle a amendée le 7 juillet 2006.

En outre, la *Loi de 1991 sur l'arbitrage* et la *Loi de 2002 sur la prescription des actions* sont modifiées pour harmoniser les délais de prescription applicables à l'introduction d'instances visant à exécuter des sentences rendues en vertu de la *Loi de 1991 sur l'arbitrage* et des sentences visées par la *Loi de 2017 sur l'arbitrage commercial international*, et pour prévoir que ces délais de prescription s'appliquent plutôt que ceux créés en application de la *Loi de 2002 sur la prescription des actions*.

Loi de 2017 sur l'allègement du fardeau réglementaire

NOTE EXPLICATIVE

Le projet de loi s'inscrit dans une initiative gouvernementale qui vise à alléger le fardeau réglementaire des entreprises et à faire réaliser des économies au gouvernement.

Le projet de loi modifie ou abroge un certain nombre de lois et en édicte de nouvelles. Par souci de commodité, les modifications, les abrogations et les nouvelles lois se présentent sous forme d'annexes distinctes. Les annexes où figure le nom d'un ministère donné modifient ou abrogent des lois dont l'application relève de ce ministère ou des lois qui ont une incidence sur celui-ci. Les dispositions d'entrée en vigueur des annexes sont énoncées dans chacune d'elles.

ANNEXE 1 MINISTÈRE DE L'AGRICULTURE, DE L'ALIMENTATION ET DES AFFAIRES RURALES

L'annexe ajoutée à la Loi sur le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales l'article 6.2, lequel permet au ministre de mettre sur pied des programmes visant à favoriser l'essor de l'agriculture, de l'alimentation et des affaires rurales. L'article 7 de la Loi, qui confère actuellement au lieutenant-gouverneur en conseil le pouvoir de mettre sur pied de tels programmes, demeure en vigueur. Les programmes ainsi mis sur pied par le lieutenant-gouverneur en conseil avant le jour de l'entrée en vigueur de l'annexe sont réputés avoir été mis sur pied par le ministre en vertu de l'article 6.2. L'annexe ajoutée également à la Loi l'article 6.1, lequel prévoit que le ministre peut conclure des accords en toute matière qui relève de son autorité en vertu d'une loi.

ANNEXE 2 MINISTÈRE DU PROCUREUR GÉNÉRAL Loi sur les tribunaux judiciaires

L'annexe apporte diverses modifications à la Loi sur les tribunaux judiciaires.

L'article 43 de la Loi est modifié par l'ajout d'une disposition accordant l'immunité au Comité consultatif sur les nominations à la magistrature et à ses membres. Les dispositions existantes relatives à l'immunité, énoncées aux paragraphes 33.1 (21), 49 (27) et 86.2 (19) de la Loi, sont modifiées afin d'harmoniser le libellé des diverses dispositions portant sur l'immunité.

Une modification apportée à l'article 48 de la Loi prévoit que les lettres de démission des juges provinciaux ou les lettres dans lesquelles les juges exerçant des fonctions administratives choisissent de siéger à titre de juge provincial doivent être normalement remises au juge en chef de la Cour de justice de l'Ontario plutôt qu'au procureur général. Le paragraphe 86.1 (7), tel qu'il est réédité, prévoit que les lettres de démission des protonotaires chargés de la gestion des causes doivent continuer d'être remises au procureur général.

Les paragraphes 70 (2) et (3) de la Loi sont abrogés et remplacés par l'article 70.1, qui transfère au procureur général le pouvoir d'établir des règles relatives aux instances introduites en vertu de la Loi sur les infractions provinciales, sous réserve de l'approbation préalable du tribunal précisé.

Des modifications sont apportées à l'article 73 de la Loi pour préciser que l'attribution de pouvoirs et de fonctions à des personnes précisées dans des instances doit être faite par écrit et peut être assujettie à des conditions ou restrictions, et confirmer que ces pouvoirs et fonctions peuvent être attribués à des personnes, que celles-ci soient ou non fonctionnaires.

Le nouvel article 87.2 de la Loi crée la fonction judiciaire de juge et chef de l'administration de la Cour des petites créances et énonce les règles concernant sa nomination ainsi que le renouvellement de son mandat, la durée des mandats, la rémunération et d'autres questions pertinentes. Des modifications complémentaires apportées aux articles 14, 21, 24, 33, 53 et 65 prévoient, notamment, les fonctions suivantes :

1. Le juge et chef de l'administration de la Cour des petites créances peut entendre et juger les instances dont est saisie la Cour des petites créances.



Projet de loi 27

**Loi visant à alléger le fardeau réglementaire des entreprises, à édicter diverses lois
et à modifier et abroger d'autres lois**

L'honorable B. Duguid

Ministre du Développement économique et de la Croissance

Projet de loi du gouvernement

1^{re} lecture 27 septembre 2016

2^e lecture 29 novembre 2016

3^e lecture

Sanction royale

*(Réimprimé tel qu'il a été modifié par le Comité permanent des affaires gouvernementales
et rapporté à l'Assemblée législative le 28 février 2017)*
(Les dispositions du présent projet de loi seront renumérotées après la 3^e lecture)





2nd SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 28

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

The Hon. Y. Naqvi
Attorney General

Government Bill

1st Reading September 29, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 28

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

L'honorable Y. Naqvi
Procureur général

Projet de loi du gouvernement

1^{re} lecture 29 septembre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill makes amendments to the *Children's Law Reform Act* to establish new rules of parentage in Ontario. Related amendments are made to the *Vital Statistics Act* to reflect those rules as they affect birth registrations. Other complementary amendments are made to various statutes to reflect the new rules of parentage.

In addition, the Bill makes amendments to the *Change of Name Act* and to the *Vital Statistics Act* respecting name changes and their registration.

Children's Law Reform Act

Parts I and II of the *Children's Law Reform Act* are repealed and replaced by a new Part I setting out the rules of parentage for all purposes of the law of Ontario. Sections 1 and 2 of the new Part set out definitions and applicable interpretive rules, including rules dealing with the interpretation of references in law and other instruments to relationships by blood. Section 3 of the new Part provides that the Part governs the determination of parentage for all purposes of the law of Ontario.

New rules of parentage are set out in sections 4 to 13 of the new Part:

1. A person is the child of his or her parents, and a child's parents are determined either under section 6 to 13 if the child is not adopted, or under the *Child and Family Services Act* if the child is adopted. Kindred relationships continue to flow from the relationship of parent and child as set out in the Part, and there continues to be no distinction between the status of a child born inside versus outside marriage. (Section 4)
2. Informing determinations of parentage in the assisted reproduction context is a rule that the provision of reproductive material or an embryo for use in assisted reproduction is not in itself sufficient to be a parent in law, unless the provision is for the person's own reproductive use. (Section 5)
3. A child's birth parent, defined as the person who gives birth to the child, is a parent of the child. The only exception to this is if the birth parent is a surrogate and is determined not to be the child's parent under the new Part. (Section 6)
4. If a child is conceived without the use of assisted reproduction, the child's biological father is also a parent of the child. Rebuttable presumptions are set out respecting how a biological father may be determined. The only exception to these rules is a person who provides his own sperm for use in conceiving a child without the use of assisted reproduction if, before the child is conceived, he and the intended birth parent agree in writing that he does not intend to be a parent of the child (insemination by a sperm donor). (Section 7)
5. A birth parent's spouse at the time a child is conceived either through assisted reproduction or through insemination by a sperm donor is presumed to be a parent of the child. The presumption may be rebutted if it is proven on the balance of probabilities that, before the child is conceived, the spouse did not consent to be a parent of

NOTE EXPLICATIVE

Le projet de loi apporte des modifications à la *Loi portant réforme du droit de l'enfance* pour établir de nouvelles règles de filiation en Ontario. Des modifications connexes sont apportées à la *Loi sur les statistiques de l'état civil* pour tenir compte de ces règles dans la mesure où elles touchent l'enregistrement des naissances. D'autres modifications complémentaires sont apportées à diverses lois pour tenir compte des nouvelles règles de filiation.

De plus, le projet de loi apporte des modifications à la *Loi sur le changement de nom* et à la *Loi sur les statistiques de l'état civil* en ce qui concerne les changements de nom et leur enregistrement.

Loi portant réforme du droit de l'enfance

Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par une nouvelle partie I qui énonce les règles de filiation dans le cadre du droit ontarien. Les articles 1 et 2 de la nouvelle partie énoncent les définitions et les règles d'interprétation applicables, notamment les règles relatives à l'interprétation des mentions des liens par le sang qui sont faites dans les lois, les règlements et d'autres textes. L'article 3 de la nouvelle partie prévoit que celle-ci régit l'établissement de la filiation dans le cadre du droit ontarien.

De nouvelles règles de filiation sont énoncées aux articles 4 à 13 de la nouvelle partie :

1. Une personne est l'enfant de ses parents et la qualité de parent de ces derniers est établie aux termes des articles 6 à 13 si l'enfant n'est pas adopté ou sous le régime de la *Loi sur les services à l'enfance et à la famille* si l'enfant est adopté. Les liens de parenté continuent de découler du lien de filiation tel qu'il est énoncé à cette partie, et les enfants continuent de jouir du même statut, qu'ils soient nés dans le cadre du mariage ou hors mariage. (Article 4)
2. Pour éclairer les décisions visant à établir la filiation dans le contexte de la procréation assistée, est prévue la règle voulant que le fait de fournir du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée ne suffit pas, en soi, pour être reconnu parent en droit, à moins que la fourniture de ce matériel ou de cet embryon ne soit destinée à servir les propres fins reproductives de la personne. (Article 5)
3. Le parent de naissance d'un enfant, au sens de la personne qui donne naissance à l'enfant, est parent de l'enfant. La seule exception à cette règle est le cas du parent de naissance qui est un substitut et qui n'est pas reconnu parent de l'enfant aux termes de la nouvelle partie. (Article 6)
4. Si un enfant est conçu sans recours à la procréation assistée, son père biologique est aussi parent de l'enfant. Des présomptions réfutables sont énoncées relativement à la façon de reconnaître le père biologique. La seule exception à ces règles est le cas de la personne qui fournit son propre sperme en vue de son utilisation pour la conception d'un enfant sans recours à la procréation assistée si, avant la conception de l'enfant, elle-même et le parent de naissance d'intention conviennent par écrit qu'elle n'a pas l'intention d'être parent de l'enfant (insémination par un donneur de sperme). (Article 7)
5. Le conjoint du parent de naissance au moment où un enfant est conçu par procréation assistée ou par insémination par un donneur de sperme est présumé parent de l'enfant. Cette présomption peut être réfutée s'il est prouvé par la prépondérance des probabilités que, avant la conception de l'enfant, le conjoint n'a pas consenti à

the child or withdrew consent previously given. The presumption does not operate in the case of a spouse of a surrogate, nor if the child is posthumously-conceived. (Section 8)

6. A birth parent may enter into a pre-conception parentage agreement with one or more persons in which they agree to be, together, parents of a child yet to be conceived. Subject to the meeting of specified conditions, including that there be no more than four parties to the agreement, on the birth of a child contemplated by the agreement, any party to the agreement who is not otherwise a parent of the child also becomes a parent of the child. (Section 9)
7. Where a surrogate and one or more intended parents of a child to be carried by the surrogate enter into a surrogacy agreement and a child contemplated by the agreement is born, the intended parents become the parents of the child and the surrogate ceases to be a parent of the child if specified conditions are met. These conditions include that there are no more than four intended parents under the agreement, that each of the parties to the agreement received independent legal advice before signing, and that the child is conceived through assisted reproduction. The change in parentage is also contingent on the surrogate giving written consent relinquishing the surrogate's entitlement to parentage of the child, but the consent may not be given before the child is seven days old. Until that time, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. If the surrogate does not or cannot give consent, an application may be made to the court for a declaration of parentage respecting the child. Although a surrogacy agreement may be used as evidence of parental intent, it is unenforceable in law. (Section 10)
8. If all of the conditions of section 10 are met except that there are more than four intended parents under the surrogacy agreement, an application to the court for a declaration of parentage is required in order for the intended parents to become the parents of the child and for the surrogate to cease being a parent of the child. The application may not be made after the child's first birthday. Although the surrogate's written consent relinquishing the surrogate's entitlement to parentage of the child is typically required, the requirement may be waived by the court in specified circumstances. Until a declaration is made, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. (Section 11)
9. Where, before a person's death, that person and his or her spouse agreed to be parents of a child conceived after the person's death through assisted reproduction, the surviving spouse may apply to the court for a declaration that the deceased person is a parent of a child who is so conceived, once the child is born. The application may not be made after the child is 90 days old. The court may make the declaration if specified conditions are met. (Section 12)

être parent de l'enfant ou a retiré le consentement qu'il avait déjà donné. La présomption ne s'applique pas dans le cas du conjoint d'un substitut ni dans le cas d'une conception posthume. (Article 8)

6. Le parent de naissance peut conclure, avec une ou plusieurs personnes, une convention de filiation antérieure à la conception selon laquelle ils conviennent d'être, ensemble, parents d'un enfant qui n'est pas encore conçu. Sous réserve que soient remplies des conditions précises, notamment celle voulant qu'il n'y ait pas plus de quatre parties à la convention, à la naissance d'un enfant envisagé par la convention, toute partie à la convention qui n'est pas par ailleurs parent de l'enfant devient également parent de l'enfant. (Article 9)
7. Lorsqu'un substitut et un ou plusieurs parents d'intention d'un enfant que doit porter le substitut concluent une convention de gestation pour autrui et que naît un enfant envisagé par la convention, les parents d'intention deviennent les parents de l'enfant et le substitut cesse d'en être un parent si les conditions précisées sont remplies. Parmi ces conditions, il ne doit pas y avoir plus de quatre parents d'intention aux termes de la convention, chacune des parties à la convention doit avoir reçu un avis juridique indépendant avant de la signer et l'enfant doit être conçu par procréation assistée. Le changement de filiation est également subordonné à la remise par le substitut de son consentement écrit à la cession de son droit à la filiation avec l'enfant, mais ce consentement ne peut pas être donné avant que l'enfant ne soit âgé de sept jours. Jusqu'à ce que ce délai soit écoulé, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. Si le substitut ne donne pas ou ne peut pas donner son consentement, une requête en déclaration de filiation peut être présentée au tribunal à l'égard de l'enfant. Bien qu'une convention de gestation pour autrui puisse être invoquée comme preuve de l'intention d'être parent, elle est inexécutoire en droit. (Article 10)
8. Si toutes les conditions de l'article 10 sont remplies, à l'exception du fait qu'il y a plus de quatre parents d'intention aux termes de la convention de gestation pour autrui, la présentation d'une requête en déclaration de filiation au tribunal est requise afin que les parents d'intention puissent devenir les parents de l'enfant et que le substitut cesse d'en être un parent. La requête ne peut être présentée après le premier anniversaire de naissance de l'enfant. Bien que le consentement écrit du substitut à la cession de son droit à la filiation avec l'enfant soit généralement exigé, le tribunal peut dispenser de cette obligation dans des situations précisées. Jusqu'à ce qu'une déclaration soit prononcée, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. (Article 11)
9. Lorsque, avant le décès d'une personne, cette dernière et son conjoint ont convenu d'être parents d'un enfant conçu par procréation assistée après le décès de cette personne, le conjoint survivant peut présenter au tribunal une requête lui demandant de déclarer que la personne décédée est parent d'un enfant ainsi conçu, une fois que l'enfant est né. La requête ne peut être présentée après que l'enfant est âgé de 90 jours. Le tribunal peut prononcer la déclaration si les conditions précisées sont remplies. (Article 12)

10. In any event, a person may apply to the court for a declaration that a person is or is not a parent of a child, unless the child is adopted. The court must take into account any presumptions of parentage that apply under the Part. In specified circumstances, including where a declaration would result in a child having more than two parents, the declaration may only be made if certain conditions are met, including that such a declaration is in the best interests of the child. (Section 13)

A declaration of parentage may be set aside (section 14). Otherwise, a declaration of parentage must be recognized for all purposes, and is deemed to have been effective from the child's birth (section 15). Section 16 of the new Part provides for rules respecting the recognition by Ontario courts of declarations of parentage made by courts or tribunals outside the province.

The remaining provisions of the new Part deal mostly with procedural and evidentiary matters, such as DNA and other tests to establish parentage and changes of surname arising from declarations of parentage.

In addition to re-enacting Part I of the Act and repealing Part II, the Bill makes various complementary amendments to other provisions of the Act. This includes amendments to references to parents that assume that a child would have no more than two parents, as well as amendments to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate.

Vital Statistics Act

The Bill makes various amendments to the *Vital Statistics Act* that reflect the new rules of parentage, including amendments to subsection 9 (1) (respecting the certification of a child's birth), subsection 9 (7) (respecting amendments to a child's birth registration as a result of a declaration of parentage made under the *Children's Law Reform Act*), and the addition of a subsection 10 (3.1) to provide for rules respecting the determination of a child's surname when the child has more than two parents. In addition, complementary amendments are made to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate, to use "membre de la famille" instead of "parent" as a translation of the English term "relative", and to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes amendments respecting name changes. The Bill adds a transition provision for section 14 of the Act, which is being repealed. That section allows a person with lawful custody of a child under the age of 12 years to elect to change the child's names.

The Bill makes the following main amendments to section 31 of the Act that deals with a situation where the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. If the Registrar General has noted the change on the person's birth registration but no applicant requested that it be done, the Registrar General may request the person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.
2. At present, if the Registrar General has registered a change of name of a person who is named as the mother,

10. Quoi qu'il en soit, une personne peut présenter au tribunal une requête lui demandant de déclarer qu'une personne est ou n'est pas parent d'un enfant, sauf si l'enfant est adopté. Le tribunal doit tenir compte des présomptions de filiation qui s'appliquent dans le cadre de la partie. Dans les circonstances précisées, notamment dans le cas d'une déclaration qui aurait pour conséquence qu'un enfant a plus de deux parents, la déclaration ne peut être prononcée que si certaines conditions sont remplies, y compris celle selon laquelle une telle déclaration est dans l'intérêt véritable de l'enfant. (Article 13)

Toute déclaration de filiation peut être annulée (article 14). Par ailleurs, une déclaration de filiation doit être reconnue à toutes fins et est réputée avoir pris effet à partir de la naissance de l'enfant (article 15). L'article 16 de la nouvelle partie prévoit des règles relatives à la reconnaissance par les tribunaux ontariens des déclarations de filiation prononcées par des tribunaux judiciaires ou autres à l'extérieur de la province.

Les autres dispositions de la nouvelle partie portent principalement sur des questions de procédure et de preuve, telles que les tests d'ADN et autres tests servant à établir la filiation et les changements de nom de famille découlant des déclarations de filiation.

En plus de réédicter la partie I de la Loi et d'en abroger la partie II, le projet de loi apporte diverses modifications complémentaires à d'autres dispositions de la Loi. Il y a notamment des modifications aux mentions de parents qui supposent qu'un enfant n'aurait pas plus de deux parents, ainsi que des modifications à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés.

Loi sur les statistiques de l'état civil

Le projet de loi apporte diverses modifications à la *Loi sur les statistiques de l'état civil* qui tiennent compte des nouvelles règles de filiation, notamment la modification du paragraphe 9 (1) (concernant la certification de la naissance d'un enfant) et du paragraphe 9 (7) (concernant la modification de l'enregistrement de la naissance d'un enfant par suite d'une déclaration de filiation prononcée en vertu de la *Loi portant réforme du droit de l'enfance*) et l'adjonction du paragraphe 10 (3.1) qui prévoit des règles relatives à la détermination du nom de famille d'un enfant lorsque celui-ci a plus de deux parents. De plus, des modifications complémentaires sont apportées à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés, pour remplacer «parent» par «membre de la famille» comme traduction du terme anglais «relative» et pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte des modifications relatives aux changements de nom. Il ajoute une disposition transitoire pour l'article 14 de la Loi, qui est en voie d'abrogation. Cet article permet à une personne ayant la garde légitime d'un enfant âgé de moins de 12 ans de décider de changer les noms de l'enfant.

Le projet de loi apporte les modifications principales suivantes à l'article 31 de la Loi, qui traite des cas où le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. S'il a noté le changement sur l'enregistrement de la naissance de la personne alors que nul n'en a fait la demande, le registraire général de l'état civil peut demander à la personne de présenter tous les documents prescrits qui se trouvent en sa possession et la personne doit obtempérer.
2. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le

father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.

3. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
4. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person on whose birth registration the Registrar General noted a change of name all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
5. If the Registrar General notes an annulment of a change of name under subsection 31 (12), the Registrar General may request that any person, applicant or child affected by the annulment submit the prescribed documents that are in the applicable person's possession.

The Bill makes the following main amendments to section 31.1 of the Act that deals with a situation where the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.
2. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
3. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
4. If the Registrar General notes an annulment of a change of name under subsection 31.1 (9), the Registrar General may request that any person or child affected by the annulment submit the prescribed documents that are in the applicable person's possession.

Complementary amendments to other Acts

The Bill amends various other Acts in order to reflect the new rules of parentage. This includes the following amendments:

père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.

3. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
4. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour y noter un changement de nom tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire civil de l'état général, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
5. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31 (12), le registraire général de l'état civil peut demander que toute personne, tout auteur de demande ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

Le projet de loi apporte les principales modifications suivantes à l'article 31.1 de la Loi, qui traite des cas où le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.
2. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
3. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
4. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31.1 (9), le registraire général de l'état civil peut demander que toute personne ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

Modifications complémentaires d'autres lois

Le projet de loi modifie diverses autres lois afin de tenir compte des nouvelles règles de filiation, notamment :

1. Amendments to remove references to persons being related by blood.
2. Amendments to remove references to persons being the natural parents of a child.
3. Amendments to the French version of Acts to use "membre de la famille" instead of "parent" as a translation of the English term "relative".
4. Amendments to the French version of Acts to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes substantive amendments to several Acts respecting either parentage or name changes.

Change of Name Act

At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.

If the person requesting the notation of the change is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession. If it is the child who requests the notation of the change on the child's birth registration, the child must submit to the Registrar General, with the request, the prescribed documents that are in the child's possession, together with all the prescribed documents that the child is required to collect from a person for whom the Registrar General has registered a change of name and that are in the person's possession. (Section 37)

Legislation Act, 2006

Section 68 of the *Legislation Act, 2006* currently provides that gender-specific terms, when used in legislation, include both sexes. The section is re-enacted so that it provides that gender-specific terms refer to any gender. (Section 56)

Succession Law Reform Act

The Bill makes amendments to the *Succession Law Reform Act* to provide that, if specified conditions are met, a child conceived after the death of one of his or her parents is still a child and issue for the purposes of the Act. The conditions are specified in a new section 1.1 of the Act. Section 47 of the Act, which deals with the distribution of property of a person who dies intestate, is amended to provide that if the conditions are met, the posthumously-conceived child inherits as if he or she had been born during the lifetime of the deceased and had survived him or her. Sections 57 and 59 of the Act are amended so that, if the conditions are met, the posthumously-conceived child may be considered in a determination of whether adequate provision for the proper support of the dependants of a deceased person has been made. (Section 71)

1. Des modifications supprimant les mentions de personnes liées par le sang.
2. Des modifications supprimant les mentions de personnes qui sont les parents naturels d'un enfant.
3. Des modifications à la version française de lois pour remplacer le terme de «parent», comme traduction du terme anglais «relative», par celui de «membre de la famille».
4. Des modifications à la version française de lois pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte à plusieurs lois des modifications de fond en ce qui concerne la filiation ou les changements de nom.

Loi sur le changement de nom

À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.

Si la personne qui demande que le changement soit noté n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés de tous les documents prescrits qui se trouvent en la possession de la personne. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit présenter au registraire général de l'état civil, avec la demande, les documents prescrits qui se trouvent en sa possession, accompagnés de tous les documents prescrits qu'il doit obtenir d'une personne dont le registraire général de l'état civil a enregistré le changement de nom et qui se trouvent en la possession de la personne. (Article 37)

Loi de 2006 sur la législation

L'actuel article 68 de la *Loi de 2006 sur la législation* prévoit que le masculin ou le féminin s'applique, lorsqu'il est employé dans la législation, à l'un ou l'autre sexe. Cet article est réédité pour prévoir que les termes sexospécifiques s'appliquent à n'importe quel genre. (Article 56)

Loi portant réforme du droit des successions

Le projet de loi apporte des modifications à la *Loi portant réforme du droit des successions* pour prévoir que, si des conditions précisées sont remplies, un enfant conçu après le décès d'un de ses parents est toujours un enfant et la descendance pour l'application de la Loi. Ces conditions sont précisées dans le nouvel article 1.1 de la Loi. L'article 47 de la Loi, qui porte sur le partage des biens d'une personne qui décède *ab intestat*, est modifié pour prévoir que si les conditions sont remplies, l'enfant conçu de façon posthume hérite comme s'il était né du vivant de la personne décédée et lui avait survécu. Les articles 57 et 59 de la Loi sont modifiés de sorte que, si les conditions sont remplies, l'enfant conçu de façon posthume peut être pris en considération dans une décision établissant si des dispositions suffisantes ont été prises pour que soient fournis des aliments convenables aux personnes à charge d'une personne décédée. (Article 71)

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CHILDREN'S LAW REFORM ACT

1. (1) Parts I and II of the *Children's Law Reform Act* are repealed and the following substituted:

**PART I
PARENTAGE**

INTERPRETATION AND APPLICATION

Definitions and interpretation, Part I

Definitions

1. (1) In this Part,

“assisted reproduction” means a method of conceiving other than by sexual intercourse; (“procréation assistée”)

“birth” means birth as defined in the *Vital Statistics Act* and includes a still-birth as defined in that Act; (“naissance”)

“birth parent” means, in relation to a child, the person who gives birth to the child; (“parent de naissance”)

“court” means the Family Court or the Superior Court of Justice; (“tribunal”)

“embryo” means embryo as defined in the *Assisted Human Reproduction Act* (Canada); (“embryon”)

“insemination by a sperm donor” means an attempt to conceive a child without the use of assisted reproduction in the circumstances described in subsection 7 (4); (“insémination par un donneur de sperme”)

“reproductive material” means all or any part of a sperm, ovum or other human cell or a human gene; (“matériel reproductif”)

“spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage; (“conjoint”)

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE

1. (1) Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par ce qui suit :

**PARTIE I
FILIACTION**

INTERPRÉTATION ET APPLICATION

Définitions et interprétation : partie I

Définitions

1. (1) Les définitions qui suivent s'appliquent à la présente partie.

«conjoint» Personne avec laquelle une personne est mariée ou avec laquelle elle vit dans une union conjugale hors du mariage. («spouse»)

«embryon» S'entend au sens de la *Loi sur la procréation assistée* (Canada). («embryo»)

«insémination par un donneur de sperme» Tentative de conception d'un enfant sans recours à la procréation assistée dans les circonstances prévues au paragraphe 7 (4). («insemination by a sperm donor»)

«matériel reproductif» Tout ou partie d'une cellule humaine, y compris un ovule ou un spermatozoïde, ou d'un gène humain. («reproductive material»)

«naissance» La naissance au sens de la *Loi sur les statistiques de l'état civil*. S'entend en outre de la mortinai-sance au sens de cette loi. («birth»)

«parent de naissance» Relativement à un enfant, s'entend de la personne qui lui donne naissance. («birth parent»)

«procréation assistée» Procréation résultant d'une méthode de conception autre que la relation sexuelle. («assisted reproduction»)

«substitut» Personne qui convient de porter un enfant conçu par procréation assistée si, au moment de la con-

“surrogate” means a person who agrees to carry a child conceived through assisted reproduction if, at the time of conception, the person intends to relinquish entitlement to parentage of the child, once born, to one or more persons. (“substitut”)

If marriage is void

(2) For the purposes of the definition of “spouse” in subsection (1), two persons who, in good faith, go through a form of marriage with each other that is void but who live in a conjugal relationship are deemed to be married during the time they live in a conjugal relationship, and the marriage is deemed to be terminated when they cease to do so.

Interpretation, conception through assisted reproduction

(3) For the purposes of this Part, a child conceived through assisted reproduction is deemed to have been conceived on the day the reproductive material or embryo used in the assisted reproduction is implanted in the birth parent.

Rules of construction

Relationship by blood or marriage

2. (1) For the purposes of construing any Act, regulation or, subject to subsection (3), instrument, unless a contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person,

- (a) includes a person who comes within that description by reason of the relationship of parent and child set out in this Part; and
- (b) in respect of a child conceived through assisted reproduction or through insemination by a sperm donor, does not include,
 - (i) a person who provided reproductive material or an embryo for use in the conception if that person is not a parent of the child, or
 - (ii) a person related to a person referred to in subclause (i).

Application to Acts, statutory instruments

(2) Subsection (1) applies to an Act, regulation or other instrument made under an Act, regardless of when it was enacted or made.

Application to other instruments

(3) In the case of an instrument that is not made under an Act,

- (a) subsection (1) applies to the instrument if it was made on or after the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016* came into force;

ception, elle a l'intention de céder, à une ou à plusieurs personnes, son droit à la filiation avec l'enfant une fois qu'il sera né. («surrogate»)

«tribunal» La Cour de la famille ou la Cour supérieure de justice. («court»)

Nullité du mariage

(2) Pour l'application de la définition de «conjoint» au paragraphe (1), deux personnes qui ont contracté, de bonne foi, une forme de mariage qui est nul d'une nullité absolue, mais qui vivent dans une union conjugale sont réputées mariées pendant la période durant laquelle elles vivent dans une telle union. Leur mariage est réputé prendre fin au moment où elles cessent de vivre dans une telle union.

Interprétation : conception par procréation assistée

(3) Pour l'application de la présente partie, l'enfant conçu par procréation assistée est réputé avoir été conçu le jour où le matériel reproductif ou l'embryon utilisé pour la procréation assistée est implanté dans le parent de naissance.

Règles d'interprétation

Liens par le sang ou par le mariage

2. (1) Aux fins de l'interprétation des lois, des règlements ou, sous réserve du paragraphe (3), des actes, sauf intention contraire manifeste, la mention d'une personne ou d'un groupe ou d'une catégorie de personnes décrites en fonction de ses liens du sang ou du mariage avec une autre personne :

- a) vaut mention de la personne qui correspond à cette description du fait du lien de filiation énoncé à la présente partie;
- b) ne vaut mention, à l'égard d'un enfant conçu par procréation assistée ou par insémination par un donneur de sperme :
 - (i) ni de la personne qui a fourni du matériel reproductif ou un embryon en vue de son utilisation pour la conception si elle n'est pas parent de l'enfant,
 - (ii) ni de la personne liée à une personne visée au sous-alinéa (i).

Application aux lois, règlements et autres textes réglementaires

(2) Le paragraphe (1) s'applique à une loi, à un règlement ou à un autre acte pris ou fait en vertu d'une loi, quel que soit le moment de son édicition, de sa prise ou de son adoption.

Application à d'autres textes

(3) Dans le cas d'un acte qui n'est pas fait en vertu d'une loi :

- a) le paragraphe (1) s'applique à l'acte s'il a été fait le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* ou après ce jour;

- (b) subsection (1) as it read immediately before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force continues to apply to an instrument made before that day, if it was made on or after March 31, 1978.

References assuming two parents

(4) If, under this Part, a child has more than two parents, a reference in any Act or regulation to the parents of the child that is not intended to exclude a parent shall, unless a contrary intention appears, be read as a reference to all of the child's parents, even if the terminology used assumes that a child would have no more than two parents.

References to “le père ou la mère”, “le père et la mère”, etc.

(5) For the purposes of construing the French version of any Act or regulation, unless a contrary intention appears, the terms “père” and “mère” used together, conjunctively or disjunctively, in relation to a child, shall be construed as referring to a parent or parents of the child as set out in this Part.

Application

3. This Part governs the determination of parentage for all purposes of the law of Ontario.

RULES OF PARENTAGE

Person is child of parents

4. (1) A person is the child of his or her parents.

Determining parent of a child

- (2) A parent of a child is,
- (a) a person determined to be a parent of the child under sections 6 to 13, except in the case of an adopted child;
 - (b) in the case of an adopted child, a parent of the child as provided for under the *Child and Family Services Act*.

Kindred relationships

(3) The relationship of parent and child set out in subsections (1) and (2) shall be followed in determining the kindred relationships that flow from it.

No distinction whether child born inside, outside marriage

(4) There is no distinction between the status of a child born inside marriage and a child born outside marriage.

For all purposes of Ontario law

(5) For greater certainty, this section applies for all purposes of the law of Ontario.

Provision of reproductive material, embryo not determinative

5. (1) A person who provides reproductive material or an embryo for use in assisted reproduction,

- b) le paragraphe (1) dans sa version en vigueur avant le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* continue de s'appliquer à un acte fait avant ce jour-là, s'il a été fait le 31 mars 1978 ou après cette date.

Mentions supposant deux parents

(4) Si, en vertu de la présente partie, un enfant a plus de deux parents, toute mention, dans une loi ou un règlement, des parents de l'enfant qui ne vise pas à exclure un parent vaut mention, sauf intention contraire manifeste, de tous les parents de l'enfant, même si la terminologie utilisée suppose qu'un enfant n'aurait pas plus de deux parents.

Mentions de «le père ou la mère», de «le père et la mère» et d'autres formulations analogues

(5) Aux fins de l'interprétation de la version française de toute loi ou de tout règlement, sauf intention contraire manifeste, les termes «père» et «mère», employés ensemble, de manière conjonctive ou disjonctive, relativement à un enfant, visent le parent ou les parents de l'enfant, comme il est énoncé à la présente partie.

Champ d'application

3. La présente partie régit l'établissement de la filiation dans le cadre du droit ontarien.

RÈGLES DE FILIATION

La personne est l'enfant de ses parents

4. (1) Une personne est l'enfant de ses parents.

Reconnaissance d'un parent d'un enfant

- (2) Un parent d'un enfant est :
- a) une personne reconnue comme parent de l'enfant aux termes des articles 6 à 13, sauf dans le cas d'un enfant adopté;
 - b) dans le cas d'un enfant adopté, un parent de l'enfant, comme le prévoit la *Loi sur les services à l'enfance et à la famille*.

Liens de parenté

(3) Le lien de filiation énoncé aux paragraphes (1) et (2) régit l'établissement des liens de parenté qui en découlent.

Absence de distinction : enfants nés d'un mariage et hors mariage

(4) Les enfants jouissent tous du même statut, qu'ils soient nés dans le cadre du mariage ou hors mariage.

Application dans le cadre du droit ontarien

(5) Il est entendu que le présent article s'applique dans le cadre du droit ontarien.

Fourniture de matériel reproductif ou d'un embryon non déterminante

5. (1) Toute personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée :

- (a) is not, by reason only of the provision, a parent of the child; and
- (b) shall not, by reason only of the provision, be recognized in law to be a parent of the child.

Exception

(2) Subsection (1) does not apply if the provision of the reproductive material or embryo by the person is for his or her own reproductive use.

Birth parent

6. (1) The birth parent of a child is, and shall be recognized in law to be, a parent of the child.

Exception, surrogacy

(2) Subsection (1) is subject to the relinquishment of an entitlement to parentage by a surrogate under section 10, or to a declaration by a court to that effect under section 10 or 11.

Other parent, where no assisted reproduction

7. (1) The biological father of a child conceived without the use of assisted reproduction is, and shall be recognized in law to be, a parent of the child.

Presumed biological father

(2) Unless the contrary is proven on a balance of probabilities, there is a presumption that a person is, and shall be recognized in law to be, the biological father of a child conceived without the use of assisted reproduction in any of the following circumstances:

1. The person was the birth parent's spouse at the time of the child's birth.
2. The person was married to the child's birth parent by a marriage that was terminated by death or judgment of nullity within 300 days before the child's birth or by divorce where the judgment of divorce was granted within 300 days before the child's birth.
3. The person was living in a conjugal relationship with the child's birth parent before the child's birth and the child is born within 300 days after they cease to live in a conjugal relationship.
4. The person has certified the child's birth, as a parent of the child, under the *Vital Statistics Act* or a similar Act in another jurisdiction in Canada.
5. The person has been found or recognized by a court of competent jurisdiction outside Ontario to be the father of the child.

Conflicting presumptions

(3) If circumstances exist that give rise to a presumption by more than one person under subsection (2), no presumption shall be made under that subsection.

a) n'est pas, de ce seul fait, parent de l'enfant;

b) ne peut, de ce seul fait, être reconnue parent de l'enfant en droit.

Exception

(2) Le paragraphe (1) ne s'applique pas si la fourniture du matériel reproductif ou de l'embryon par la personne est destinée à servir à ses propres fins reproductives.

Parent de naissance

6. (1) Le parent de naissance d'un enfant est parent de l'enfant et est reconnu comme tel en droit.

Exception : gestation pour autrui

(2) Le paragraphe (1) est subordonné à la cession par un substitut d'un droit à la filiation aux termes de l'article 10, ou à une déclaration à cet effet prononcée par un tribunal en vertu de l'article 10 ou 11.

Autre parent en l'absence de procréation assistée

7. (1) Le père biologique d'un enfant conçu sans recours à la procréation assistée est parent de l'enfant et est reconnu comme tel en droit.

Père biologique présumé

(2) À moins que le contraire ne soit prouvé par la prépondérance des probabilités, une personne est présumée le père biologique d'un enfant conçu sans recours à la procréation assistée et, par présomption, est reconnue comme tel en droit dans l'une ou l'autre des circonstances suivantes :

1. La personne était le conjoint du parent de naissance à la naissance de l'enfant.
2. La personne était unie au parent de naissance de l'enfant par un mariage qui a été dissous soit par un décès ou un jugement de nullité dans les 300 jours qui ont précédé la naissance de l'enfant ou par un divorce si un jugement de divorce a été prononcé au cours de cette même période.
3. La personne vivait dans une union conjugale avec le parent de naissance de l'enfant avant la naissance de celui-ci et l'enfant est né dans les 300 jours après qu'ils ont cessé de vivre dans une telle union.
4. La personne a certifié la naissance de l'enfant, à titre de parent de l'enfant, aux termes de la *Loi sur les statistiques de l'état civil* ou d'une loi analogue d'une autre autorité législative du Canada.
5. Le lien de paternité entre la personne et l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.

Présomptions contradictoires

(3) Si des circonstances donnent lieu à une présomption prévue au paragraphe (2) par plus d'une personne, aucune présomption n'est établie en application de ce paragraphe.

Non-application, insemination by a sperm donor

(4) This section is deemed not to apply to a person who provides his own sperm for use in conceiving a child without the use of assisted reproduction if, before the child is conceived, the person and the intended birth parent agree in writing that the person providing the sperm does not intend to be a parent of any child conceived as a result.

Same, sperm donor not a parent

(5) A person to whom subsection (4) applies is not, and shall not be recognized in law to be, a parent of a child conceived in the circumstances set out in that subsection.

Presumed other parent, birth parent's spouse

Assisted reproduction

8. (1) If the birth parent of a child conceived through assisted reproduction had a spouse at the time of the child's conception, there is a presumption that the spouse is, and shall be recognized in law to be, a parent of the child.

Insemination by a sperm donor

(2) If the birth parent of a child conceived through insemination by a sperm donor had a spouse at the time of the child's conception, there is a presumption that the spouse is, and shall be recognized in law to be, a parent of the child.

Rebuttal of presumption

(3) The spouse of a birth parent shall not be presumed to be a parent under subsection (1) or (2) if it is proven on the balance of probabilities that, before the child's conception,

- (a) the spouse did not consent to be a parent of the child; or
- (b) the spouse consented to be a parent of the child but withdrew the consent.

Non-application

(4) This section does not apply if the birth parent is a surrogate or if the child is conceived after the death of a person declared under section 12 to be his or her parent.

Parents under pre-conception parentage agreements

Definition

9. (1) In this section,

“pre-conception parentage agreement” means a written agreement between two or more parties in which they agree to be, together, the parents of a child yet to be conceived.

Application

(2) This section applies with respect to a pre-conception parentage agreement only if,

Non-application : insémination par un donneur de sperme

(4) Le présent article est réputé ne pas s'appliquer à la personne qui fournit son propre sperme en vue de son utilisation pour la conception d'un enfant sans recours à la procréation assistée si, avant la conception de l'enfant, cette personne et le parent de naissance d'intention conviennent par écrit que la personne qui fournit le sperme n'a pas l'intention d'être parent de tout enfant conçu en conséquence.

Idem : donneur de sperme sans la qualité de parent

(5) La personne à laquelle s'applique le paragraphe (4) n'est pas parent d'un enfant conçu dans les circonstances énoncées à ce paragraphe et n'est pas reconnue comme tel en droit.

Conjoint du parent de naissance présumé un autre parent

Procréation assistée

8. (1) Si le parent de naissance d'un enfant conçu par procréation assistée avait un conjoint au moment de la conception, ce conjoint est présumé parent de l'enfant et, par présomption, est reconnu comme tel en droit.

Insémination par un donneur de sperme

(2) Si le parent de naissance d'un enfant conçu par insémination par un donneur de sperme avait un conjoint au moment de la conception, ce conjoint est présumé parent de l'enfant et, par présomption, est reconnu comme tel en droit.

Réfutation de la présomption

(3) Le conjoint d'un parent de naissance ne peut pas être présumé parent aux termes du paragraphe (1) ou (2) s'il est prouvé par la prépondérance des probabilités qu'avant la conception de l'enfant :

- a) soit le conjoint n'a pas consenti à être parent de l'enfant;
- b) soit le conjoint a consenti à être parent de l'enfant, mais a retiré son consentement.

Non-application

(4) Le présent article ne s'applique pas si le parent de naissance est un substitut ou si l'enfant est conçu après le décès d'une personne déclarée son parent en vertu de l'article 12.

Parents visés par les conventions de filiation antérieures à la conception

Définition

9. (1) La définition qui suit s'applique au présent article.

«convention de filiation antérieure à la conception» Convention écrite entre deux parties ou plus selon laquelle elles conviennent d'être, ensemble, les parents d'un enfant qui n'est pas encore conçu.

Application

(2) Le présent article ne s'applique à l'égard d'une convention de filiation antérieure à la conception que si les conditions suivantes sont réunies :

- (a) there are no more than four parties to the agreement;
- (b) the intended birth parent is not a surrogate, and is a party to the agreement;
- (c) if the child is to be conceived without the use of assisted reproduction, the person who intends to be the biological father of the child is a party to the agreement; and
- (d) if the child is to be conceived through assisted reproduction or through insemination by a sperm donor, the spouse, if any, of the person who intends to be the birth parent is a party to the agreement, subject to subsection (3).

If spouse intends to not be a parent

(3) Clause (2) (d) does not apply if, before the child is conceived, the birth parent's spouse provides written confirmation that he or she does not consent to be a parent of the child and does not withdraw the confirmation.

Recognition of parentage

(4) On the birth of a child contemplated by a pre-conception parentage agreement, together with every party to a pre-conception parentage agreement who is a parent of the child under section 6 (birth parent), 7 (biological father) or 8 (birth parent's spouse), the other parties to the agreement are, and shall be recognized in law to be, parents of the child.

Surrogacy, up to four intended parents

Definitions

10. (1) In this section and in section 11,

“intended parent” means a party to a surrogacy agreement, other than the surrogate; (“parent d'intention”)

“surrogacy agreement” means a written agreement between a surrogate and one or more persons respecting a child to be carried by the surrogate, in which,

- (a) the surrogate agrees to not be a parent of the child, and
- (b) each of the other parties to the agreement agrees to be a parent of the child. (“convention de gestation pour autrui”)

Application

(2) This section applies only if the following conditions are met:

1. The surrogate and one or more persons enter into a surrogacy agreement before the child to be carried by the surrogate is conceived.
2. The surrogate and the intended parent or parents each received independent legal advice before entering into the agreement.
3. Of the parties to the agreement, there are no more than four intended parents.

- a) il n'y a pas plus de quatre parties à la convention;
- b) le parent de naissance d'intention n'est pas un substitut et est partie à la convention;
- c) si l'enfant doit être conçu sans recours à la procréation assistée, la personne qui a l'intention d'être le père biologique de l'enfant est partie à la convention;
- d) si l'enfant doit être conçu par procréation assistée ou par insémination par un donneur de sperme, le conjoint, le cas échéant, de la personne qui a l'intention d'être le parent de naissance est partie à la convention, sous réserve du paragraphe (3).

Conjoint n'ayant pas l'intention d'être parent

(3) L'alinéa (2) d) ne s'applique pas si, avant la conception de l'enfant, le conjoint du parent de naissance donne une confirmation écrite selon laquelle il ne consent pas à être parent de l'enfant et qu'il ne la retire pas.

Reconnaissance de la filiation

(4) À la naissance d'un enfant envisagé par une convention de filiation antérieure à la conception, conjointement avec chaque partie à la convention qui est parent de l'enfant aux termes de l'article 6 (parent de naissance), 7 (père biologique) ou 8 (conjoint du parent de naissance), les autres parties à la convention sont parents de l'enfant et sont reconnus comme tels en droit.

Gestation pour autrui : maximum de quatre parents d'intention

Définitions

10. (1) Les définitions qui suivent s'appliquent au présent article et à l'article 11.

«convention de gestation pour autrui» Convention écrite entre un substitut et une ou plusieurs personnes à l'égard d'un enfant qui doit être porté par le substitut, prévoyant ce qui suit :

- a) le substitut convient de ne pas être parent de l'enfant;
- b) chacune des autres parties à la convention convient d'être parent de l'enfant. («surrogacy agreement»)

«parent d'intention» Partie à une convention de gestation pour autrui, à l'exclusion du substitut. («intended parent»)

Application

(2) Le présent article ne s'applique que si les conditions suivantes sont réunies :

1. Le substitut et une ou plusieurs personnes concluent une convention de gestation pour autrui avant la conception de l'enfant qui doit être porté par le substitut.
2. Le substitut et le parent ou les parents d'intention reçoivent chacun un avis juridique indépendant avant de conclure la convention.
3. Parmi les parties à la convention, on ne compte pas plus de quatre parents d'intention.

4. The child is conceived through assisted reproduction.

Recognition of parentage

(3) Subject to subsection (4), on the surrogate providing to the intended parent or parents consent in writing relinquishing the surrogate's entitlement to parentage of the child,

- (a) the child becomes the child of each intended parent and each intended parent becomes, and shall be recognized in law to be, a parent of the child; and
- (b) the child ceases to be the child of the surrogate and the surrogate ceases to be a parent of the child.

Limitation

(4) The consent referred to in subsection (3) must not be provided before the child is seven days old.

Parental rights and responsibilities

(5) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parent or parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the child is seven days old, but any provision of the surrogacy agreement respecting parental rights and responsibilities after that period is of no effect.

Failure to give consent

(6) Any party to a surrogacy agreement may apply to the court for a declaration of parentage with respect to the child if the consent referred to in subsection (3) is not provided by the surrogate because,

- (a) the surrogate is deceased or otherwise incapable of providing the consent;
- (b) the surrogate cannot be located after reasonable efforts have been made to do so; or
- (c) the surrogate refuses to provide the consent.

Declaration

(7) If an application is made under subsection (6), the court may,

- (a) grant the declaration that is sought; or
- (b) make any other declaration respecting the parentage of a child born to the surrogate as the court sees fit.

Child's best interests

(8) The paramount consideration by the court in making a declaration under subsection (7) shall be the best interests of the child.

Effect of surrogacy agreement

(9) A surrogacy agreement is unenforceable in law, but may be used as evidence of,

4. L'enfant est conçu par procréation assistée.

Reconnaissance de la filiation

(3) Sous réserve du paragraphe (4), dès que le substitut donne au parent ou aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant :

- a) d'une part, l'enfant devient l'enfant de chaque parent d'intention, lequel devient parent de l'enfant et est reconnu comme tel en droit;
- b) d'autre part, l'enfant cesse d'être l'enfant du substitut, lequel cesse d'être parent de l'enfant.

Restriction de délai

(4) Le consentement mentionné au paragraphe (3) ne doit pas être donné avant que l'enfant ne soit âgé de sept jours.

Droits et responsabilités parentaux

(5) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et le parent ou les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à ce qu'il soit âgé de sept jours. Toutefois, après cette période, toute stipulation de la convention de gestation pour autrui touchant les droits et responsabilités parentaux est sans effet.

Défaut de consentement

(6) Toute partie à une convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard de l'enfant si le substitut ne donne pas le consentement mentionné au paragraphe (3) du fait que, selon le cas :

- a) il est décédé ou est par ailleurs incapable de donner le consentement;
- b) il ne peut être retrouvé à la suite d'efforts raisonnables déployés à cette fin;
- c) il refuse de donner le consentement.

Déclaration

(7) Si une requête est présentée en vertu du paragraphe (6), le tribunal peut :

- a) soit accorder la déclaration demandée;
- b) soit prononcer toute autre déclaration qu'il estime opportune à l'égard de la filiation d'un enfant né du substitut.

Intérêt véritable de l'enfant

(8) L'intérêt véritable de l'enfant est le critère prépondérant dont tient compte le tribunal lorsqu'il prononce une déclaration en vertu du paragraphe (7).

Effet de la convention de gestation pour autrui

(9) Toute convention de gestation pour autrui est inexécutoire en droit, mais peut être invoquée comme preuve de l'intention :

- (a) an intended parent's intention to be a parent of a child contemplated by the agreement; and
- (b) a surrogate's intention to not be a parent of a child contemplated by the agreement.

Surrogacy, more than four intended parents

11. (1) If the conditions set out in subsection 10 (2) are met other than the condition set out in paragraph 3 of that subsection, any party to the surrogacy agreement may apply to the court for a declaration of parentage respecting a child contemplated by the agreement.

Time limit

- (2) An application under subsection (1) may not be made,
- (a) until the child is born; and
 - (b) unless the court orders otherwise, after the first anniversary of the child's birth.

Parental rights and responsibilities

(3) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the court makes a declaration of parentage respecting the child.

Declaration

(4) If an application is made under subsection (1), the court may make any declaration that the court may make under section 10 and, for the purpose, subsections 10 (8) and (9) apply with necessary modifications.

Post-birth consent of surrogate

(5) A declaration naming one or more intended parents as a parent of the child and determining that the surrogate is not a parent of the child shall not be made under subsection (4) unless, after the child's birth, the surrogate provides to the intended parents consent in writing relinquishing the surrogate's entitlement to parentage of the child.

Waiver

(6) Despite subsection (5), the court may waive the consent if any of the circumstances set out in subsection 10 (6) apply.

Posthumous conception

12. (1) A person who, at the time of a deceased person's death, was his or her spouse, may apply to the court for a declaration that the deceased person is a parent of a child conceived after his or her death through assisted reproduction.

Time limit

- (2) An application under subsection (1) may not be made,
- (a) until the child is born; and

- a) d'un parent d'intention d'être parent d'un enfant envisagé par la convention;
- b) d'un substitut de ne pas être parent d'un enfant envisagé par la convention.

Gestation pour autrui : plus de quatre parents d'intention

11. (1) Si les conditions énoncées au paragraphe 10 (2) sont remplies à part celle énoncée à la disposition 3 de ce paragraphe, toute partie à la convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard d'un enfant envisagé par la convention.

Délai

- (2) Une requête visée au paragraphe (1) ne peut être présentée :
- a) d'une part, avant la naissance de l'enfant;
 - b) d'autre part, après le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.

Droits et responsabilités parentaux

(3) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à ce que le tribunal prononce une déclaration de filiation à l'égard de l'enfant.

Déclaration

(4) Si une requête est présentée en vertu du paragraphe (1), le tribunal peut prononcer toute déclaration qu'il est habilité à prononcer en vertu de l'article 10 et, à cette fin, les paragraphes 10 (8) et (9) s'appliquent avec les adaptations nécessaires.

Consentement postnatal du substitut

(5) La déclaration qui désigne un ou plusieurs parents d'intention comme parent de l'enfant et qui établit que le substitut n'est pas parent de l'enfant ne doit pas être prononcée en vertu du paragraphe (4), à moins que, après la naissance de l'enfant, le substitut ne donne aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant.

Dispense

(6) Malgré le paragraphe (5), le tribunal peut dispenser du consentement exigé si l'une des situations visées au paragraphe 10 (6) s'applique.

Conception posthume

12. (1) La personne qui, au moment du décès d'une personne décédée, était son conjoint peut demander au tribunal, par voie de requête, une déclaration portant que la personne décédée est parent d'un enfant conçu par procréation assistée après son décès.

Délai

- (2) Une requête visée au paragraphe (1) ne peut être présentée :
- a) d'une part, avant la naissance de l'enfant;

- (b) unless the court orders otherwise, later than 90 days after the child's birth.

Declaration

(3) The court may grant the declaration if the following conditions are met:

1. The deceased person consented in writing to be, together with the applicant, the parents of a child conceived posthumously through assisted reproduction, and did not withdraw the consent before his or her death.
2. If the child was born to a surrogate, the applicant is a parent of the child under section 10, and there is no other parent of the child.

Declaration of parentage, general

13. (1) At any time after a child is born, any person having an interest may apply to the court for a declaration that a person is or is not a parent of the child.

Exception, adopted child

(2) Subsection (1) does not apply if the child is adopted.

Declaration

(3) If the court finds on the balance of probabilities that a person is or is not a parent of a child, the court may make a declaration to that effect.

Presumptions to be given effect

(4) In making a declaration under subsection (3), the court shall give effect to any applicable presumption that arises under this Part.

Restriction

(5) Despite subsection (3), the court shall not make any of the following declarations of parentage respecting a child under that subsection unless the conditions set out in subsection (6) are met:

1. A declaration of parentage that results in the child having more than two parents.
2. A declaration of parentage that results in the child having as a parent one other person, in addition to his or her birth parent, if that person is not a parent of the child under section 7, 8 or 9.

Conditions

(6) The following conditions apply for the purposes of subsection (5):

1. The application for the declaration is made on or before the first anniversary of the child's birth, unless the court orders otherwise.
2. Every other person who is a parent of the child is a party to the application.
3. There is evidence that, before the child was conceived, every parent of the child and every person

- b) d'autre part, plus de 90 jours après la naissance de l'enfant, sauf ordonnance contraire du tribunal.

Déclaration

(3) Le tribunal peut prononcer la déclaration si les conditions suivantes sont réunies :

1. La personne décédée a consenti par écrit à être, conjointement avec le requérant, les parents d'un enfant conçu de façon posthume par procréation assistée et n'a pas retiré le consentement avant son décès.
2. Si l'enfant était né d'un substitut, le requérant est parent de l'enfant aux termes de l'article 10 et il n'y a pas d'autre parent de l'enfant.

Déclarations de filiation : dispositions générales

13. (1) En tout temps après la naissance d'un enfant, toute personne ayant un intérêt peut demander au tribunal, par voie de requête, de prononcer une déclaration portant qu'une personne est ou n'est pas parent de l'enfant.

Exception : enfant adopté

(2) Le paragraphe (1) ne s'applique pas si l'enfant est adopté.

Déclaration

(3) S'il conclut, d'après la prépondérance des probabilités, qu'une personne est ou n'est pas parent d'un enfant, le tribunal peut prononcer une déclaration à cet effet.

Effet donné aux présomptions

(4) Lorsqu'il prononce une déclaration en vertu du paragraphe (3), le tribunal donne effet à toute présomption applicable découlant de la présente partie.

Restriction

(5) Malgré le paragraphe (3), le tribunal ne peut prononcer l'une ou l'autre des déclarations de filiation suivantes à l'égard d'un enfant en vertu de ce paragraphe que si les conditions énoncées au paragraphe (6) sont remplies :

1. Une déclaration de filiation qui a pour conséquence que l'enfant a plus de deux parents.
2. Une déclaration de filiation qui a pour conséquence que l'enfant a une autre personne comme parent, en plus de son parent de naissance, si cette personne n'est pas parent de l'enfant aux termes de l'article 7, 8 ou 9.

Conditions

(6) Les conditions suivantes s'appliquent dans le cadre du paragraphe (5) :

1. La requête en déclaration est présentée au plus tard le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.
2. Chaque autre personne qui est parent de l'enfant est partie à la requête.
3. Il existe des preuves que, avant la conception de l'enfant, chaque parent de l'enfant et chaque per-

in respect of whom a declaration of parentage respecting that child is sought under the application intended to be, together, parents of the child.

4. The declaration is in the best interests of the child.

Reopening on new evidence

14. (1) If a declaration is made by the court under this Part and evidence becomes available that was not available at the hearing of the application, the court may, on application, set aside or vary the order and make any other orders or give any directions that the court considers necessary.

No effect on rights, property interests

(2) Setting aside an order under subsection (1) does not affect rights and duties that were exercised or performed, or interests in property that were distributed, before the order was set aside.

Effect of declaration

15. (1) A declaration made under this Part shall be recognized for all purposes.

Deemed effective from birth

(2) A declaration made under this Part is deemed to have been effective from the child's birth.

EXTRA-PROVINCIAL DECLARATORY ORDERS

Extra-provincial declaratory orders

16. (1) In this section,

“extra-provincial declaratory order” means an order, or part of an order, that makes a declaration of parentage similar to a declaration that may be made under this Part, if it is made by a court or tribunal outside Ontario that has jurisdiction to make such an order.

Recognition of Canadian orders

(2) Subject to subsection (3), a court shall recognize an extra-provincial declaratory order made in another jurisdiction in Canada.

Exception

(3) A court may decline to recognize an extra-provincial declaratory order made in another jurisdiction in Canada if,

- (a) evidence becomes available that was not available during the proceeding that led to the making of the extra-provincial declaratory order; or
- (b) the court is satisfied that the extra-provincial declaratory order was obtained by fraud or duress.

sonne à propos de laquelle une déclaration de filiation à l'égard de cet enfant est demandée dans la requête avaient l'intention d'être, ensemble, parents de l'enfant.

4. La déclaration est dans l'intérêt véritable de l'enfant.

Nouveaux éléments de preuve

14. (1) Si une déclaration est prononcée par le tribunal en vertu de la présente partie et que sont mis à disposition des éléments de preuve qui ne l'étaient pas lors de l'audition de la requête, le tribunal peut, sur requête, annuler ou modifier l'ordonnance et rendre toute autre ordonnance ou donner toute directive qu'il estime nécessaire.

Aucune incidence sur les droits, obligations et intérêts

(2) L'annulation d'une ordonnance en vertu du paragraphe (1) ne porte pas atteinte aux droits exercés et aux obligations exécutées, ni aux intérêts à l'égard des biens ayant fait l'objet d'une répartition, avant l'annulation de l'ordonnance.

Effet de la déclaration

15. (1) La déclaration prononcée en vertu de la présente partie est reconnue à toutes fins.

Déclaration réputée avoir pris effet à la naissance

(2) La déclaration prononcée en vertu de la présente partie est réputée avoir pris effet à partir de la naissance de l'enfant.

ORDONNANCES DÉCLARATOIRES EXTRAPROVINCIALES

Ordonnances déclaratoires extraprovinciales

16. (1) La définition qui suit s'applique au présent article.

«ordonnance déclaratoire extraprovinciale» Ordonnance, ou partie d'une ordonnance, qui prononce une déclaration de filiation semblable à la déclaration qui peut être prononcée en vertu de la présente partie, si elle est rendue par un tribunal judiciaire ou autre à l'extérieur de l'Ontario ayant compétence pour rendre une telle ordonnance.

Reconnaissance des ordonnances canadiennes

(2) Sous réserve du paragraphe (3), un tribunal reconnaît une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada.

Exception

(3) Un tribunal peut refuser de reconnaître une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada si, selon le cas :

- a) sont mis à disposition des éléments de preuve qui ne l'étaient pas à l'instance au cours de laquelle l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) le tribunal est convaincu que l'ordonnance déclaratoire extraprovinciale a été obtenue par fraude ou contrainte.

Recognition of non-Canadian orders

(4) Subject to subsection (5), a court shall recognize an extra-provincial declaratory order that was made in a jurisdiction outside Canada if,

- (a) the child or at least one parent of the child was habitually resident in the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made; or
- (b) the child or at least one parent of the child had a real and substantial connection with the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made.

Exception

(5) A court may decline to recognize an extra-provincial declaratory order made in a jurisdiction outside Canada,

- (a) in the circumstances described in clause (3) (a) or (b); or
- (b) if the extra-provincial declaratory order is contrary to public policy in Ontario.

Effect of recognition of order

(6) An extra-provincial declaratory order that is recognized by the court has the same effect as if it had been made by the court under this Part.

OTHER MATTERS

Corresponding change of surname

17. (1) Any person declared under section 10, 11 or 13 to be a parent of a child may apply to the court for an order that the child's surname be changed to any surname that the child could have been given at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*.

Same

(2) An application under subsection (1) to change a child's surname may be made at the same time as an application for a declaration under section 10, 11 or 13.

Best interests of the child

(3) An order under subsection (1) changing a child's surname may be made only if it is in the best interests of the child.

Admissibility in evidence of acknowledgment against interest

17.1 A written acknowledgment of parentage that is admitted in evidence in any proceeding against the interest of the person making the acknowledgment is proof, in the absence of evidence to the contrary, of the fact.

Reconnaissance des ordonnances non canadiennes

(4) Sous réserve du paragraphe (5), un tribunal reconnaît l'ordonnance déclaratoire extraprovinciale qui a été rendue à l'étranger si, selon le cas :

- a) l'enfant ou au moins un de ses parents avait sa résidence habituelle dans le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) l'enfant ou au moins un de ses parents avait des liens étroits et véritables avec le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue.

Exception

(5) Un tribunal peut refuser de reconnaître un ordonnance déclaratoire extraprovinciale rendue à l'étranger :

- a) dans les circonstances visées à l'alinéa (3) a) ou b);
- b) si l'ordonnance déclaratoire extraprovinciale est contraire à l'intérêt public en Ontario.

Effet de la reconnaissance de l'ordonnance

(6) L'ordonnance déclaratoire extraprovinciale qui est reconnue par le tribunal a le même effet que si elle avait été rendue par le tribunal en vertu de la présente partie.

AUTRES QUESTIONS

Changement de nom de famille correspondant

17. (1) Toute personne déclarée parent d'un enfant en vertu de l'article 10, 11 ou 13 peut demander au tribunal, par voie de requête, de rendre une ordonnance changeant le nom de famille de l'enfant pour lui donner tout nom de famille qu'il aurait pu recevoir à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l'état civil*.

Idem

(2) La requête visée au paragraphe (1) demandant le changement du nom de famille d'un enfant peut être présentée en même temps qu'une requête demandant l'obtention d'une déclaration en vertu de l'article 10, 11 ou 13.

Intérêt véritable de l'enfant

(3) Une ordonnance visée au paragraphe (1) qui change le nom de famille d'un enfant ne peut être rendue que si elle est dans l'intérêt véritable de l'enfant.

Admissibilité en preuve de la reconnaissance de filiation

17.1 La reconnaissance écrite de filiation admise en preuve dans une instance contre l'intérêt de son auteur constitue, en l'absence de preuve contraire, la preuve des faits qui y sont énoncés.

Blood, DNA tests

17.2 (1) On the application of a party in a proceeding in which the court is called on to determine a child's parentage, the court may give the party leave to obtain a blood test, DNA test or any other test the court considers appropriate of a person named in the order granting leave, and to submit the results in evidence.

Conditions

(2) The court may impose conditions, as it thinks proper, on an order under subsection (1).

Consent to procedure

(3) The *Health Care Consent Act, 1996* applies to the test as if it were treatment under that Act.

Inference from refusal

(4) If a person named in an order under subsection (1) refuses to submit to the test, the court may draw such inferences as it thinks appropriate.

Exception

(5) Subsection (4) does not apply if the refusal is the decision of a substitute decision-maker as defined in section 9 of the *Health Care Consent Act, 1996*.

Confidentiality

17.3 Section 70 applies with necessary modifications if a proceeding includes an application under this Part.

Court statement

17.4 On the making of a declaratory order under this Part that a person is or is not a parent of a child, the clerk of the court shall file with the Registrar General a statement, in the form provided by the Ministry of the Attorney General, respecting the order.

Certified copies of documents filed with the Registrar General**Court statement**

17.5 (1) On application and payment of the required fee under the *Vital Statistics Act*, any person may obtain from the Registrar General a certified copy of a statement filed under section 17.4.

Statutory declaration of parentage

(2) On application and payment of the required fee under the *Vital Statistics Act*, any person who has an interest, provides substantially accurate particulars and satisfies the Registrar General as to the reason for requiring it may obtain from the Registrar General a certified copy of a statutory declaration filed under section 12 of this Act as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016* came into force.

Analyse de sang, test d'ADN ou autre test

17.2 (1) Sur requête d'une partie à une instance dans laquelle il est appelé à décider de la filiation d'un enfant, le tribunal peut autoriser cette partie à obtenir une analyse de sang, un test d'ADN ou tout autre test que le tribunal juge approprié d'une personne nommée dans l'ordonnance d'autorisation, et à en présenter les résultats en preuve.

Conditions

(2) Le tribunal peut, s'il le juge opportun, assortir de conditions une ordonnance visée au paragraphe (1).

Consentement à l'analyse ou au test

(3) La *Loi de 1996 sur le consentement aux soins de santé* s'applique à l'analyse ou au test comme s'il s'agissait d'un traitement visé par cette loi.

Inférences en cas de refus de se soumettre

(4) Si une personne nommée dans une ordonnance visée au paragraphe (1) refuse de se soumettre à une analyse ou à un test, le tribunal peut en tirer les inférences qu'il juge appropriées.

Exception

(5) Le paragraphe (4) ne s'applique pas si le refus est la décision d'un mandataire spécial au sens de l'article 9 de la *Loi de 1996 sur le consentement aux soins de santé*.

Confidentialité

17.3 L'article 70 s'applique avec les adaptations nécessaires si une instance comprend une requête visée à la présente partie.

Déclaration du tribunal

17.4 Lorsqu'une ordonnance déclaratoire portant qu'une personne est ou n'est pas parent d'un enfant est rendue en vertu de la présente partie, le greffier du tribunal dépose auprès du registraire général de l'état civil une déclaration relative à l'ordonnance, rédigée selon la formule fournie par le ministère du Procureur général.

Copies certifiées conformes de documents déposés auprès du registraire général**Déclaration du tribunal**

17.5 (1) Sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l'état civil*, quiconque peut obtenir du registraire général de l'état civil une copie certifiée conforme d'une déclaration déposée en application de l'article 17.4.

Déclaration solennelle de filiation

(2) Quiconque y a un intérêt fournit des détails suffisamment précis et convainc le registraire général de l'état civil du bien-fondé de sa demande peut, sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l'état civil*, obtenir de ce dernier une copie certifiée conforme de la déclaration solennelle déposée en vertu de l'article 12 de la présente loi, dans sa version antérieure au jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Certified copy as evidence

(3) A certified copy obtained under this section that is signed by the Registrar General or Deputy Registrar General, or on which the signature of either is reproduced by any method, is admissible in any court in Ontario as proof, in the absence of evidence to the contrary, of the filing and contents of the statement.

Duties of Registrar General

17.6 Nothing in this Act shall be construed as requiring the Registrar General to amend a registration showing parentage other than in recognition of an order made under this Part and in accordance with the requirements of the *Vital Statistics Act*.

(2) Subsection 17 (1) of the Act, as enacted by subsection 1 (1), is amended by striking out “at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*” at the end and substituting “under subsection 10 (3) or (3.1) of the *Vital Statistics Act* if the child had been born at the time of the declaration”.

2. (1) Subsection 20 (1) of the Act is repealed and the following substituted:

Entitlement to custody

(1) Except as otherwise provided in this Part, a child’s parents are equally entitled to custody of the child.

(2) The French version of subsections 20 (2) and (3) of the Act is amended by striking out “d’un père ou d’une mère” wherever it appears and substituting in each case “d’un parent”.

(3) The French version of subsection 20 (4) of the Act is amended by striking out “son père ou sa mère” and substituting “l’un d’eux”.

(4) The French version of subsection 20 (5) of the Act is amended by striking out “de père ou de mère” and substituting “de parent”.

3. The French version of subsection 21 (1) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

4. The French version of the following provisions of the Act is amended by striking out “ni le père ni la mère” wherever it appears and substituting in each case “pas un parent”:

1. Subsection 21.1 (1).

2. Subsection 21.2 (2).

5. (1) The French version of subsections 21.3 (1) and (2) of the Act is repealed and the following substituted:

Admissibilité en preuve des copies certifiées conformes

(3) La copie certifiée conforme obtenue en vertu du présent article, qui est signée par le registraire général de l’état civil ou le registraire général adjoint de l’état civil ou qui porte la signature de l’un ou de l’autre reproduite d’une façon quelconque, est admissible en preuve devant un tribunal de l’Ontario et constitue la preuve, en l’absence de preuve contraire, du dépôt de la déclaration et de son contenu.

Obligations du registraire général de l’état civil

17.6 La présente loi n’a pas pour effet d’obliger le registraire général de l’état civil à modifier un enregistrement indiquant une filiation si ce n’est en conformité avec une ordonnance rendue en vertu de la présente partie et conformément aux exigences de la *Loi sur les statistiques de l’état civil*.

(2) Le paragraphe 17 (1) de la Loi, tel qu’il est édicté par le paragraphe 1 (1), est modifié par remplacement de «à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l’état civil*» par «en vertu du paragraphe 10 (3) ou (3.1) de la *Loi sur les statistiques de l’état civil* s’il était déjà né au moment de la déclaration» à la fin du paragraphe.

2. (1) Le paragraphe 20 (1) de la Loi est abrogé et remplacé par ce qui suit :

Droit de garde

(1) Sauf disposition contraire de la présente partie, les parents d’un enfant jouissent d’un droit de garde égal à l’égard de l’enfant.

(2) La version française des paragraphes 20 (2) et (3) de la Loi est modifiée par remplacement de «d’un père ou d’une mère» par «d’un parent» partout où figurent ces mots.

(3) La version française du paragraphe 20 (4) de la Loi est modifiée par remplacement de «son père ou sa mère» par «l’un d’eux».

(4) La version française du paragraphe 20 (5) de la Loi est modifiée par remplacement de «de père ou de mère» par «de parent».

3. La version française du paragraphe 21 (1) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

4. La version française des dispositions suivantes de la Loi est modifiée par remplacement de «ni le père ni la mère» par «pas un parent» partout où figurent ces mots :

1. Le paragraphe 21.1 (1).

2. Le paragraphe 21.2 (2).

5. (1) La version française des paragraphes 21.3 (1) et (2) de la Loi est abrogée et remplacée par ce qui suit :

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) The French version of clause 21.3 (7) (c) of the Act is amended by striking out “qui n'est ni le père ni la mère de l'enfant” and substituting “qui n'est pas parent de l'enfant”.

6. (1) The French version of clause 22 (2) (a) of the Act is amended by striking out “son père et sa mère” and substituting “ses parents”.

(2) The French version of clause 22 (2) (b) of the Act is amended by striking out “son père ou sa mère” and substituting “l'un d'eux”.

(3) The French version of clause 22 (2) (c) of the Act is amended by striking out “n'est ni son père, ni sa mère” and substituting “est autre qu'un parent”.

7. (1) Clause 24 (2) (h) of the Act is repealed and the following substituted:

(h) any familial relationship between the child and each person who is a party to the application.

(2) The French version of the following provisions of the Act is amended by striking out “que père ou mère” wherever it appears and substituting in each case “que parent”:

1. Clause 24 (2) (g).

2. Clause 24 (3) (b).

3. Subsection 24 (4), in the portion before clause (a).

(3) The French version of clause 24 (4) (b) of the Act is amended by striking out “le père ou la mère” and substituting “un parent”.

8. The French version of subsection 47 (1) of the Act is amended by striking out “du père ou de la mère” and substituting “d'un parent”.

9. (1) The French version of subsection 48 (1) of the Act is amended by striking out “le père et la mère” and substituting “les parents”.

(2) The French version of subsection 48 (2) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) La version française de l'alinéa 21.3 (7) c) de la Loi est modifiée par remplacement de «qui n'est ni le père ni la mère de l'enfant» par «qui n'est pas parent de l'enfant».

6. (1) La version française de l'alinéa 22 (2) a) de la Loi est modifiée par remplacement de «son père et sa mère» par «ses parents».

(2) La version française de l'alinéa 22 (2) b) de la Loi est modifiée par remplacement de «son père ou sa mère» par «l'un d'eux».

(3) La version française de l'alinéa 22 (2) c) de la Loi est modifiée par remplacement de «n'est ni son père, ni sa mère» par «est autre qu'un parent».

7. (1) L'alinéa 24 (2) h) de la Loi est abrogé et remplacé par ce qui suit :

h) les éventuels liens familiaux entre l'enfant et chaque personne qui est partie à la requête.

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «que père ou mère» par «que parent» partout où figurent ces mots :

1. L'alinéa 24 (2) g).

2. L'alinéa 24 (3) b).

3. Le paragraphe 24 (4), dans le passage qui précède l'alinéa a).

(3) La version française de l'alinéa 24 (4) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

8. La version française du paragraphe 47 (1) de la Loi est modifiée par remplacement de «du père ou de la mère» par «d'un parent».

9. (1) La version française du paragraphe 48 (1) de la Loi est modifiée par remplacement de «le père et la mère» par «les parents».

(2) La version française du paragraphe 48 (2) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

10. (1) The French version of clause 51 (1) (b) of the Act is amended by striking out “le père ou la mère” and substituting “le parent”.

(2) The French version of subsection 51 (3) of the Act is repealed and the following substituted:

Reçu ou quittance

(3) Le reçu ou la quittance pour de l'argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l'enfant, le parent chez qui l'enfant habite ou la personne qui a la garde légitime de l'enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l'enfant.

(3) The French version of subsection 51 (4) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Un parent”.

11. The French version of subsection 55 (2) of the Act is repealed and the following substituted:

Cas où le cautionnement n'est pas nécessaire

(2) Le paragraphe (1) ne s'applique pas si le tribunal nomme comme tuteur aux biens d'un enfant un parent de l'enfant et qu'il est d'avis qu'il est approprié de ne pas exiger du parent le dépôt d'un cautionnement.

12. The French version of subsection 59 (1) of the Act is amended by striking out “du père ou de la mère” in the portion before clause (a) and substituting “d'un parent”.

13. The French version of subsection 61 (3) of the Act is amended by striking out “La mère ou le père célibataire” at the beginning and substituting “Le parent célibataire”.

14. Clause 62 (3) (a) of the Act is repealed and the following substituted:

(a) the child's parents;

15. The French version of subsection 63 (1) of the Act is amended by striking out “qui est le père ou la mère d'un enfant” and substituting “qui est parent d'un enfant”.

VITAL STATISTICS ACT

16. (1) The definition of “birth” in section 1 of the *Vital Statistics Act* is repealed and the following substituted:

“birth” means the complete expulsion or extraction from a person of a fetus that did at any time after being completely expelled or extracted from the person breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached; (“naissance”)

(2) The French version of the definition of “birth parent” in section 1 of the Act is repealed and the following substituted:

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l'enregistrement initial, le cas échéant, de la naissance

10. (1) La version française de l'alinéa 51 (1) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «le parent».

(2) La version française du paragraphe 51 (3) de la Loi est abrogée et remplacée par ce qui suit :

Reçu ou quittance

(3) Le reçu ou la quittance pour de l'argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l'enfant, le parent chez qui l'enfant habite ou la personne qui a la garde légitime de l'enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l'enfant.

(3) La version française du paragraphe 51 (4) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Un parent» au début du paragraphe.

11. La version française du paragraphe 55 (2) de la Loi est abrogée et remplacée par ce qui suit :

Cas où le cautionnement n'est pas nécessaire

(2) Le paragraphe (1) ne s'applique pas si le tribunal nomme comme tuteur aux biens d'un enfant un parent de l'enfant et qu'il est d'avis qu'il est approprié de ne pas exiger du parent le dépôt d'un cautionnement.

12. La version française du paragraphe 59 (1) de la Loi est modifiée par remplacement de «du père ou de la mère» par «d'un parent» dans le passage qui précède l'alinéa a).

13. La version française du paragraphe 61 (3) de la Loi est modifiée par remplacement de «La mère ou le père célibataire» par «Le parent célibataire» au début du paragraphe.

14. L'alinéa 62 (3) a) de la Loi est abrogé et remplacé par ce qui suit :

a) les parents de l'enfant;

15. La version française du paragraphe 63 (1) de la Loi est modifiée par remplacement de «qui est le père ou la mère d'un enfant» par «qui est parent d'un enfant».

LOI SUR LES STATISTIQUES DE L'ÉTAT CIVIL

16. (1) La définition de «naissance» à l'article 1 de la *Loi sur les statistiques de l'état civil* est abrogée et remplacée par ce qui suit :

«naissance» Expulsion ou extraction complète du corps d'une personne, d'un foetus qui, après cette expulsion ou extraction, respirait ou donnait un autre signe de vie, que le cordon ombilical ait été coupé ou non, ou que le placenta soit resté attaché ou non. («birth»)

(2) La version française de la définition de «père ou mère de sang» à l'article 1 de la Loi est abrogée et remplacée par ce qui suit :

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l'enregistrement initial, le cas échéant, de la naissance

de la personne adoptée et toute autre personne prescrite.
(«birth parent»)

(3) The definition of “still-birth” in section 1 of the Act is amended by striking out “from its mother” and substituting “from a person”.

17. (1) Subsection 9 (1) of the Act is repealed and the following substituted:

Certification of birth

(1) The parents of a child born in Ontario, or one of them in such circumstances as may be prescribed, or such other person as may be prescribed, shall certify the child's birth in the manner, including providing such information and documentation as may be prescribed, within the time and to the person prescribed by the regulations.

(2) Subsection 9 (7) of the Act is repealed and the following substituted:

Same

(7) On receiving a certified copy of a declaratory order under Part I of the *Children's Law Reform Act* respecting the parentage of a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child's parents shown on the registration, in accordance with the order.

(3) Subsection 9 (8) of the Act is amended by striking out “section 6.1” and substituting “section 17”.

18. (1) The French version of paragraph 1 of subsection 10 (3) of the Act is repealed and the following substituted:

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Subsection (1) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(3) The French version of paragraph 1 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by striking out “le père et la mère” and substituting “les deux parents”.

(4) The French version of paragraph 2 of subsection 10 (3) of the Act is repealed and the following substituted:

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :

de la personne adoptée et toute autre personne prescrite.
(«birth parent»)

(3) La définition de «mortinaissance» à l'article 1 de la Loi est modifiée par remplacement de «de la mère» par «d'une personne».

17. (1) Le paragraphe 9 (1) de la Loi est abrogé et remplacé par ce qui suit :

Certificat de naissance

(1) Les parents d'un enfant né en Ontario, ou l'un d'eux dans les circonstances prescrites, ou toute autre personne prescrite certifient la naissance de l'enfant de la manière prescrite par les règlements, notamment en fournissant les renseignements et la documentation prescrits, dans les délais et à la personne que prescrivent les règlements.

(2) Le paragraphe 9 (7) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(7) Sur réception d'une copie certifiée conforme d'une ordonnance déclaratoire rendue en vertu de la partie I de la *Loi portant réforme du droit de l'enfance* à l'égard de la filiation d'un enfant dont la naissance a été enregistrée en Ontario, le registraire général de l'état civil modifie les détails sur les parents de l'enfant qui figurent sur l'enregistrement, conformément à l'ordonnance.

(3) Le paragraphe 9 (8) de la Loi est modifié par remplacement de «l'article 6.1» par «l'article 17».

18. (1) La version française de la disposition 1 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Le paragraphe (1) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

(3) La version française de la disposition 1 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifiée par remplacement de «le père et la mère» par «les deux parents».

(4) La version française de la disposition 2 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :

- i. le nom de famille des parents, s'ils ont le même nom de famille,
- ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) The French version of paragraph 3 of subsection 10 (3) of the Act is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Subsection (5) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(7) The French version of paragraph 3 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) The French version of paragraph 5 of subsection 10 (3) of the Act is repealed and the following substituted:

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) Section 10 of the Act is amended by adding the following subsection:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child the surname or former

- i. le nom de famille des parents, s'ils ont le même nom de famille,
- ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) La version française de la disposition 3 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Le paragraphe (5) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires).

(7) La version française de la disposition 3 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le paragraphe 1 (2) de l'annexe 33 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires), est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) La version française de la disposition 5 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) L'article 10 de la Loi est modifié par adjonction du paragraphe suivant :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant

surname of any of the certifying parents, or a surname consisting of the surname or former surname of each certifying parent, hyphenated or combined.

2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined.
3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certifying parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.
4. If a person who is not the child's parent certifies the child's birth, the child shall be given a surname consisting of each of the parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

(10) Subsection 10 (3.1) of the Act, as enacted by subsection (9), is repealed and the following substituted:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child a surname chosen by them.
2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child a surname chosen by them, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may determine the child's surname.

le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents certificateurs, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent certificateur, unis par un trait d'union ou accolés.

2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés.
3. Si au moins deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.
4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

(10) Le paragraphe 10 (3.1) de la Loi, tel qu'il est édicté par le paragraphe (9), est abrogé et remplacé par ce qui suit :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent.
2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut choisir le nom de famille de l'enfant.

3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certifying parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

4. If a person who is not the child's parent certifies the child's birth, the child shall be given the surname of the person who gave birth to the child.

(11) Clause 10 (5) (a) of the Act, as re-enacted by subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

(a) the child's parents, if they each certify the child's birth and agree on the name; or

19. Section 13 of the Act is repealed.

20. Section 14 of the Act is repealed.

21. (1) The Act is amended by adding the following section:

Transition, election to change name of child under 12

14.1 (1) The references in this section to section 14 are to that section as it read immediately before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

Same

(2) If a person making an election under subsection 14 (1) has submitted the election to the Registrar General on or before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force, whether or not the person is required to give a notice under subsection 14 (3), then, despite that section 20, section 14 of this Act continues to apply to the person and the Registrar General.

(2) Section 14.1 of the Act is repealed.

22. Subsection 15 (1) of the Act is amended by adding "under subsection 10 (2) or a predecessor of that subsection or under a predecessor of this Act" after "forename" in the portion before clause (a).

23. Section 17 of the Act is repealed.

24. (1) Subsection 31 (1) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

3. Si au moins deux parents certifient la naissance de l'enfant mais qu'ils ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit le nom de famille de la personne qui lui a donné naissance.

(11) L'alinéa 10 (5) a) de la Loi, tel qu'il est réédité par le paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

a) soit par les parents de l'enfant, si chacun d'eux certifie la naissance de l'enfant et qu'ils s'entendent sur le nom;

19. L'article 13 de la Loi est abrogé.

20. L'article 14 de la Loi est abrogé.

21. (1) La Loi est modifiée par adjonction de l'article suivant :

Disposition transitoire : décision de changer le nom d'un enfant âgé de moins de 12 ans

14.1 (1) Les mentions, au présent article, de l'article 14 valent mention de cet article dans sa version antérieure au jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Idem

(2) Si la personne qui prend une décision en vertu du paragraphe 14 (1) a transmis sa décision au registraire général de l'état civil au plus tard le jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*, que la personne soit tenue ou non de donner un avis en application du paragraphe 14 (3), l'article 14 de la présente loi continue de s'appliquer à la personne et au registraire général de l'état civil, et ce malgré l'article 20.

(2) L'article 14.1 de la Loi est abrogé.

22. Le paragraphe 15 (1) de la Loi est modifié par insertion de «par application du paragraphe 10 (2) ou d'un paragraphe qu'il remplace ou par application d'une loi que la présente loi remplace» après «prénom» dans le passage qui précède l'alinéa a).

23. L'article 17 de la Loi est abrogé.

24. (1) Le paragraphe 31 (1) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Person born in Ontario, name changed outside of Ontario

(1) If the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, the Registrar General shall note the change on the person's birth registration if,

- (a) the Registrar General receives the prescribed evidence that satisfies the Registrar General that the name of the person has so changed; and
- (b) the following conditions are met if an applicant has requested the Registrar to note the change on the birth registration:
 - (i) the Registrar General receives evidence that satisfies the Registrar General as to the identity of the person and receives all prescribed documents that are in the person's possession, and
 - (ii) the applicant pays the required fee, if any.

Return of documents

(1.1) If the Registrar General has noted a change on a person's birth registration under subsection (1) and no applicant requested that it be done, the Registrar General may request the person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.

(2) Subsection 31 (3) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(3) Subsection 31 (7) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" and substituting "a parent".

(4) Subsections 31 (8) and (9) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(8) A person who requests the notation of a change on the person's marriage registration under subsection (2) shall submit, with the request, all the prescribed documents that are in the person's possession.

Same, for child's birth registration

(8.1) A person who requests the notation of a change on a child's birth registration under subsection (3) shall,

Personne née en Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de la personne si les conditions suivantes sont réunies :

- a) le registraire général de l'état civil reçoit la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé;
- b) si un auteur de demande a demandé au registraire général de l'état civil de noter le changement sur l'enregistrement de la naissance, il est satisfait aux conditions suivantes :
 - (i) le registraire général de l'état civil reçoit une preuve qui le convainc de l'identité de la personne ainsi que tous les documents prescrits qui se trouvent en la possession de celle-ci,
 - (ii) l'auteur de la demande acquitte les droits exigés, le cas échéant.

Remise de documents

(1.1) S'il a noté un changement sur l'enregistrement de la naissance d'une personne en application du paragraphe (1) alors que nul n'en a fait la demande, le registraire général de l'état civil peut demander à la personne de présenter tous les documents prescrits qui se trouvent en la possession de celle-ci et la personne doit obtempérer.

(2) Le paragraphe 31 (3) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(3) Le paragraphe 31 (7) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent».

(4) Les paragraphes 31 (8) et (9) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(8) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de son mariage en application du paragraphe (2) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d'un enfant

(8.1) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (3) fait ce qui suit :

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(9) A child who requests the notation of a change on the child's birth registration under subsection (7) shall,

- (a) collect from the person on whose birth registration the Registrar General noted a change of name under subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(5) Section 31 of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by adding the following subsections:

Documents to provide

(13) If the Registrar General notes an annulment of a change of name of a person under subsection (12), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession;
- (b) the applicant under subsection (1) submit to the Registrar General all of the prescribed documents that are in the applicant's possession if the applicant is not the person; and
- (c) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(14) A person who receives a request under subsection (13) shall comply with it.

25. (1) Subsection 31.1 (1) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Person born outside of Ontario, name changed outside of Ontario

(1) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(9) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (7) fait ce qui suit :

- a) il obtient de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour noter un changement de nom en application du paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(5) L'article 31 de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents à fournir

(13) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (12), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) l'auteur de la demande visé au paragraphe (1) présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession, si l'auteur de la demande n'est pas la personne;
- c) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(14) La personne qui reçoit une demande présentée en vertu du paragraphe (13) y obtempère.

25. (1) Le paragraphe 31.1 (1) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Personne née à l'extérieur de l'Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une pro-

territory of Canada, other than Ontario, or of a foreign state, if the person is married and if there is a registration of that marriage in Ontario, the Registrar General shall note the change on that marriage registration if,

- (a) the person so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession.

(2) Subsection 31.1 (2) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Birth registration of child

(2) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state and if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General shall note the change on the child's birth registration if,

- (a) the person so requests and pays the required fee, if any;
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession; and
- (c) subject to subsections (3), (4) and (5), the child consents, if the child is at least 16 years of age at the time of the request.

(3) Subsection 31.1 (2) of the Act, as re-enacted by subsection (2), is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(4) Subsection 31.1 (6) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

vince ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est mariée et que ce mariage a fait l'objet d'un enregistrement en Ontario, le registraire général de l'état civil note le changement sur cet enregistrement de mariage si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne.

(2) Le paragraphe 31.1 (2) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Enregistrement de la naissance d'un enfant

(2) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, et que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne;
- c) sous réserve des paragraphes (3), (4) et (5), l'enfant consent au changement, s'il est âgé d'au moins 16 ans au moment où la demande est présentée.

(3) Le paragraphe 31.1 (2) de la Loi, tel qu'il est réédité par le paragraphe (2), est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(4) Le paragraphe 31.1 (6) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Request by child

(6) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario and if the child is at least 16 years of age, the Registrar General shall note the change on the child's birth registration if,

- (a) the child so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the child's possession.

(5) Subsection 31.1 (6) of the Act, as re-enacted by subsection (4), is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(6) Subsections 31.1 (7) and (8) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, are repealed and the following substituted:

Documents to provide

(7) A person who requests the notation of a change on a child's birth registration under subsection (2) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(8) A child who requests the notation of a change on the child's birth registration under subsection (6) shall,

- (a) collect from the person whose name has been changed as described in subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

Demande de l'enfant

(6) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario et que l'enfant est âgé d'au moins 16 ans, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) l'enfant en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de l'enfant.

(5) Le paragraphe 31.1 (6) de la Loi, tel qu'il est réédité par le paragraphe (4), est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(6) Les paragraphes 31.1 (7) et (8) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(7) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (2) fait ce qui suit :

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(8) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (6) fait ce qui suit :

- a) il obtient de la personne dont le nom a été changé conformément au paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(7) Section 31.1 of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by adding the following subsections:

Documents to provide

(10) If the Registrar General notes an annulment of a change of name of a person under subsection (9), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession; and
- (b) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(11) A person who receives a request under subsection (10) shall comply with it.

26. The French version of clause 44 (3) (b) of the Act is amended by striking out "le père ou la mère" and substituting "un parent".

27. (1) The French version of subsections 48.1 (5), (6) and (7) of the Act is repealed and the following substituted:

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communi-

(7) L'article 31.1 de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents à fournir

(10) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (9), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(11) La personne qui reçoit une demande présentée en vertu du paragraphe (10) y obtempère.

26. La version française de l'alinéa 44 (3) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

27. (1) La version française des paragraphes 48.1 (5), (6) et (7) de la Loi est abrogée et remplacée par ce qui suit :

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communi-

quer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) The French version of subsection 48.1 (8) of the Act is amended by striking out “le père ou la mère de sang ou les deux” and substituting “l’un ou l’autre des parents de naissance ou les deux”.

(3) The French version of subsection 48.1 (9) of the Act is amended by striking out “S’il y a uniquement soit un père soit une mère de sang et qu’un veto sur la divulgation présenté par ce père ou cette mère de sang” at the beginning and substituting “S’il y a uniquement un parent de naissance et qu’un veto sur la divulgation présenté par celui-ci”.

(4) The French version of subsection 48.1 (10) of the Act is amended by striking out “S’il y a à la fois un père et une mère de sang” at the beginning and substituting “S’il y a deux parents de naissance”.

(5) The French version of subsection 48.1 (11) of the Act is amended by,

- (a) striking out “S’il y a à la fois un père et une mère de sang” at the beginning and substituting “S’il y a deux parents de naissance”;
- (b) striking out “le père ou la mère de sang” and substituting “le parent de naissance”.

28. (1) The French version of subsection 48.2 (1) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(2) The French version of subsection 48.2 (2) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Le parent de naissance”.

(3) The French version of clauses 48.2 (7) (a) and (b) of the Act is repealed and the following substituted:

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l’égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu’il a effet uniquement à l’égard d’un parent de naissance.

29. (1) The French version of subsection 48.3 (1) of the Act is amended by striking out “son père ou sa mère de sang” and substituting “un parent de naissance”.

(2) The French version of subsection 48.3 (4) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d’un parent de naissance”.

30. (1) The French version of subsection 48.4 (1) of the Act is amended by striking out “son père ou sa

quer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) La version française du paragraphe 48.1 (8) de la Loi est modifiée par remplacement de «le père ou la mère de sang ou les deux» par «l’un ou l’autre des parents de naissance ou les deux».

(3) La version française du paragraphe 48.1 (9) de la Loi est modifiée par remplacement de «S’il y a uniquement soit un père soit une mère de sang et qu’un veto sur la divulgation présenté par ce père ou cette mère de sang» par «S’il y a uniquement un parent de naissance et qu’un veto sur la divulgation présenté par celui-ci» au début du paragraphe.

(4) La version française du paragraphe 48.1 (10) de la Loi est modifiée par remplacement de «S’il y a à la fois un père et une mère de sang» par «S’il y a deux parents de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.1 (11) de la Loi est modifiée :

- a) par remplacement de «S’il y a à la fois un père et une mère de sang» par «S’il y a deux parents de naissance» au début du paragraphe;
- b) par remplacement de «le père ou la mère de sang» par «le parent de naissance».

28. (1) La version française du paragraphe 48.2 (1) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(2) La version française du paragraphe 48.2 (2) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Le parent de naissance» au début du paragraphe.

(3) La version française des alinéas 48.2 (7) a) et b) de la Loi est abrogée et remplacée par ce qui suit :

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l’égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu’il a effet uniquement à l’égard d’un parent de naissance.

29. (1) La version française du paragraphe 48.3 (1) de la Loi est modifiée par remplacement de «son père ou sa mère de sang» par «un parent de naissance».

(2) La version française du paragraphe 48.3 (4) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d’un parent de naissance».

30. (1) La version française du paragraphe 48.4 (1) de la Loi est modifiée par remplacement de «son père

mère de sang” at the end and substituting “un parent de naissance”.

(2) The French version of subsection 48.4 (6) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d’un parent de naissance”.

31. (1) The French version of subsection 48.5 (1) of the Act is amended by striking out “au père et à la mère de sang” and substituting “aux parents de naissance”.

(2) The French version of subsection 48.5 (2) of the Act is amended by striking out “à son père ou à sa mère de sang” at the end and substituting “à un parent de naissance”.

(3) The French version of subsection 48.5 (3) of the Act is amended by striking out “S’il y a à la fois un père et une mère de sang” at the beginning and substituting “S’il y a deux parents de naissance”.

(4) The French version of subsection 48.5 (5) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(5) The French version of subsection 48.5 (9) of the Act is amended by striking out “de son père ou de sa mère de sang ou de chacun d’eux n’entre pas en vigueur à l’égard du père ou de la mère de sang” and substituting “d’un des parents de naissance ou des deux n’entre pas en vigueur à l’égard du parent de naissance”.

32. (1) The French version of subsection 56.1 (1) of the Act is amended by,

(a) striking out “que son père ou sa mère de sang” and substituting “qu’un parent de naissance”; and

(b) striking out “ou celle-ci”.

(2) The French version of subsection 56.1 (2) of the Act is amended by,

(a) striking out “il ou elle” and substituting “un parent de naissance”; and

(b) striking out “le père ou la mère de sang de celle-ci” and substituting “ce parent de naissance”.

(3) The French version of subsection 56.1 (4) of the Act is amended by,

(a) striking out “de son père ou de sa mère de sang” and substituting “d’un parent de naissance”; and

(b) striking out “ou à celle-ci”.

33. (1) Clause 60 (1) (i.2) of the Act is amended by striking out “subsection 10 (5), sections 19, 21 and 22 and subsection 26 (1)” and substituting “subsection 10 (4), sections 19, 21 and 22 and subsections 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) and (13) and 31.1 (1), (2), (6), (7), (8), (9) and (10)”.

ou sa mère de sang» par «un parent de naissance» à la fin du paragraphe.

(2) La version française du paragraphe 48.4 (6) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d’un parent de naissance».

31. (1) La version française du paragraphe 48.5 (1) de la Loi est modifiée par remplacement de «au père et à la mère de sang» par «aux parents de naissance».

(2) La version française du paragraphe 48.5 (2) de la Loi est modifiée par remplacement de «à son père ou à sa mère de sang» par «à un parent de naissance» à la fin du paragraphe.

(3) La version française du paragraphe 48.5 (3) de la Loi est modifiée par remplacement de «S’il y a à la fois un père et une mère de sang» par «S’il y a deux parents de naissance» au début du paragraphe.

(4) La version française du paragraphe 48.5 (5) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.5 (9) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang ou de chacun d’eux n’entre pas en vigueur à l’égard du père ou de la mère de sang» par «d’un des parents de naissance ou des deux n’entre pas en vigueur à l’égard du parent de naissance».

32. (1) La version française du paragraphe 56.1 (1) de la Loi est modifiée :

a) par remplacement de «que son père ou sa mère de sang» par «qu’un parent de naissance»;

b) par suppression de «ou celle-ci».

(2) La version française du paragraphe 56.1 (2) de la Loi est modifiée :

a) par remplacement de «il ou elle» par «un parent de naissance»;

b) par remplacement de «le père ou la mère de sang de celle-ci» par «ce parent de naissance».

(3) La version française du paragraphe 56.1 (4) de la Loi est modifiée :

a) par remplacement de «de son père ou de sa mère de sang» par «d’un parent de naissance»;

b) par suppression de «ou à celle-ci».

33. (1) L’alinéa 60 (1) i.2) de la Loi est modifié par remplacement de «au paragraphe 10 (5), aux articles 19, 21 et 22 et au paragraphe 26 (1)» par «au paragraphe 10 (4), aux articles 19, 21 et 22 et aux paragraphes 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) et (13) et 31.1 (1), (2), (6), (7), (8), (9) et (10)».

(2) The French version of clause 60 (1) (r) of the Act is amended by striking out “père ou mère de sang” and substituting “parent de naissance”.

(3) The French version of clause 60 (1) (r.2) of the Act is repealed and the following substituted:

r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) Clause 60 (1) (t) of the Act is repealed.

34. (1) The French version of the following provisions of the Act is amended by striking out “un père ou une mère de sang” wherever it appears and substituting in each case “un parent de naissance”:

1. Subsection 48.1 (4).
2. Subsections 48.3 (2) and (5).
3. Subsections 48.4 (3) and (7).
4. Subsections 48.5 (10) and (13).
5. Subsection 56.1 (3).
6. Clause 60 (1) (r.1).

(2) The French version of the following provisions of the Act is amended by striking out “le père ou la mère de sang” wherever it appears and substituting in each case “le parent de naissance”:

1. Subsection 48.3 (6).
2. Subsection 48.4 (8).
3. Subsections 48.5 (6) and (11).

COMPLEMENTARY AMENDMENTS TO OTHER ACTS

Anatomy Act

35. The French version of the following provisions of the *Anatomy Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 3 (1) (a).
2. Subsection 3 (3).

Business Corporations Act

36. (1) The French version of clauses (d) and (e) of the definition of “associate” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

(2) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

(2) La version française de l'alinéa 60 (1) r) de la Loi est modifiée par remplacement de «père ou mère de sang» par «parent de naissance».

(3) La version française de l'alinéa 60 (1) r.2) de la Loi est abrogée et remplacée par ce qui suit :

r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) L'alinéa 60 (1) t) de la Loi est abrogé.

34. (1) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «un père ou une mère de sang» par «un parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.1 (4).
2. Les paragraphes 48.3 (2) et (5).
3. Les paragraphes 48.4 (3) et (7).
4. Les paragraphes 48.5 (10) et (13).
5. Le paragraphe 56.1 (3).
6. L'alinéa 60 (1) r.1).

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «le père ou la mère de sang» par «le parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.3 (6).
2. Le paragraphe 48.4 (8).
3. Les paragraphes 48.5 (6) et (11).

MODIFICATIONS COMPLÉMENTAIRES D'AUTRES LOIS

Loi sur l'anatomie

35. La version française des dispositions suivantes de la *Loi sur l'anatomie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L'alinéa 3 (1) a).
2. Le paragraphe 3 (3).

Loi sur les sociétés par actions

36. (1) La version française des alinéas d) et e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les sociétés par actions* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

(2) La version française de l'alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «parent» par «membre de la famille».

Change of Name Act

37. (1) Subsection 5 (2.1) of the *Change of Name Act* is repealed and the following substituted:

Same

(2.1) If a person is declared under section 10, 11 or 13 of the *Children's Law Reform Act* to be a parent of a child and obtains an order under section 17 of that Act changing the child's surname, an application under subsection (1) also requires that person's written consent.

(2) Clause 6 (2) (d) of the Act is amended by striking out "the person's father and mother" at the end and substituting "the person's parents".

(3) Clause 6 (2) (r) of the Act is repealed and the following substituted:

(r) any other information or documents that are prescribed.

(4) Subsection 7 (1.2) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(5) Subsection 7 (1.6) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" and substituting "a parent".

(6) Subsections 7 (1.7) and (1.8) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(1.7) An applicant or person who requests the notation of a change on the person's marriage registration under subsection (1.1) shall submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be.

Same, for child's birth registration

(1.7.1) An applicant or person who requests the notation of a change on a child's birth registration under subsection (1.2) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be, and all the prescribed documents that the applicant or person, as the case may be, has collected under clause (a).

Loi sur le changement de nom

37. (1) Le paragraphe 5 (2.1) de la *Loi sur le changement de nom* est abrogé et remplacé par ce qui suit :

Idem

(2.1) Si une personne est déclarée parent d'un enfant en vertu de l'article 10, 11 ou 13 de la *Loi portant réforme du droit de l'enfance* et qu'elle obtient une ordonnance, prévue à l'article 17 de cette loi, changeant le nom de famille de l'enfant, son consentement écrit est également requis pour la présentation d'une demande visée au paragraphe (1).

(2) L'alinéa 6 (2) d) de la Loi est modifié par remplacement de «de son père et de sa mère» par «de ses parents».

(3) L'alinéa 6 (2) r) de la Loi est abrogé et remplacé par ce qui suit :

r) les autres renseignements ou documents prescrits.

(4) Le paragraphe 7 (1.2) de la Loi, tel qu'il est édicté par le paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «comme la mère, le père ou l'autre parent» par «comme parent» dans le passage qui précède l'alinéa a).

(5) Le paragraphe 7 (1.6) de la Loi, tel qu'il est édicté par le paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «comme la mère, le père ou l'autre parent» par «comme parent».

(6) Les paragraphes 7 (1.7) et (1.8) de la Loi, tels qu'ils sont édictés par le paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(1.7) L'auteur de la demande ou la personne qui demande qu'un changement soit noté sur l'enregistrement du mariage de la personne en application du paragraphe (1.1) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d'un enfant

(1.7.1) L'auteur de la demande ou la personne qui demande qu'un changement soit noté sur l'enregistrement de la naissance d'un enfant en application du paragraphe (1.2) fait ce qui suit :

- a) il obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

Documents for request by child

(1.8) A child who requests the notation of a change on the child's birth registration under subsection (1.6) shall,

- (a) if the Registrar General has registered a change of name of a person under subsection (1), collect from the person all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(7) **Clause 13 (g.1) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "7 (1.7)" and substituting "7 (1.7), (1.7.1)".**

(8) **Clause 13 (g.2) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is repealed and the following substituted:**

(g.2) prescribing information or documents for the purposes of clause 6 (2) (r);

Child and Family Services Act

38. (1) The French version of subparagraph 3 iv of subsection 1 (2) of the *Child and Family Services Act* is amended by striking out "de ses parents et des membres de sa famille élargie" and substituting "des membres de sa parenté, de sa famille élargie".

(2) The definition of "extended family" in subsection 3 (1) of the Act is amended by striking out "related by blood, through a spousal relationship or through adoption" and substituting "related, including through a spousal relationship or adoption".

(3) The definition of "relative" in subsection 3 (1) of the Act is repealed and the following substituted:

"relative" means, with respect to a child, a person who is the child's grandparent, great-uncle, great-aunt, uncle or aunt, including through a spousal relationship or adoption; ("membre de la parenté")

(4) **Subsection 3 (2) of the Act is repealed and the following substituted:**

Interpretation, "parent"

(2) Unless this Act provides otherwise, a reference in this Act to a parent of a child is deemed to be a reference to,

- (a) the person who has lawful custody of the child; or
- (b) if more than one person has lawful custody of the child, all of the persons who have lawful custody of the child, excluding any person who is unavailable or unable to act as the context requires.

Documents : demande par l'enfant

(1.8) L'enfant qui demande qu'un changement soit noté sur l'enregistrement de sa naissance en application du paragraphe (1.6) fait ce qui suit :

- a) si le registraire général de l'état civil a enregistré le changement de nom d'une personne en application du paragraphe (1), l'enfant obtient de la personne tous les documents prescrits qui se trouvent en la possession de celle-ci;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(7) **L'alinéa 13 g.1) de la Loi, tel qu'il est édicté par l'article 9 de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «7 (1.7)» par «7 (1.7), (1.7.1)».**

(8) **L'alinéa 13 g.2) de la Loi, tel qu'il est édicté par l'article 9 de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :**

g.2) prescrire des renseignements ou des documents pour l'application de l'alinéa 6 (2) r);

Loi sur les services à l'enfance et à la famille

38. (1) La version française de la sous-disposition 3 iv du paragraphe 1 (2) de la *Loi sur les services à l'enfance et à la famille* est modifiée par remplacement de «de ses parents et des membres de sa famille élargie» par «des membres de sa parenté, de sa famille élargie».

(2) La définition de «famille élargie» au paragraphe 3 (1) de la Loi est modifiée par remplacement de «lié par le sang, une union conjugale ou l'adoption» par «lié, notamment par une union conjugale ou l'adoption».

(3) **La définition de «parent» au paragraphe 3 (1) de la Loi est abrogée et remplacée par ce qui suit :**

«membre de la parenté» Relativement à un enfant, s'entend d'une personne qui est son grand-père, sa grand-mère, son grand-oncle, sa grand-tante, son oncle ou sa tante, notamment par une union conjugale ou l'adoption. («relative»)

(4) **Le paragraphe 3 (2) de la Loi est abrogé et remplacé par ce qui suit :**

Interprétation, «père ou mère»

(2) Sauf disposition contraire de la présente loi, la mention dans la présente loi de la mère ou du père d'un enfant est réputée une mention, selon le cas :

- a) de la personne qui a la garde légitime de l'enfant;
- b) si plus d'une personne a la garde légitime de l'enfant, de toutes les personnes qui en ont la garde légitime, à l'exclusion de celle qui n'est pas disponible ou qui est incapable d'agir, selon le contexte.

(5) The definition of “parent” in subsection 37 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means, in addition to a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, each of the following persons, but does not include a foster parent:

1. An individual who has lawful custody of the child.
2. An individual who, during the 12 months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support.
3. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
4. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children’s Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force; (“père ou mère”)

(6) The French version of the definition of “birth parent” in subsection 136 (1) of the Act is amended by striking out “de sang” and substituting “de naissance”.

(7) The French version of the definition of “birth relative” in subsection 136 (1) of the Act is repealed and the following substituted:

«membre de la parenté de naissance» S’entend :

- a) relativement à un enfant qui n’a pas été adopté, d’un membre de la parenté de l’enfant;
- b) relativement à un enfant qui a été adopté, d’une personne qui aurait été un membre de la parenté de l’enfant s’il n’avait pas été adopté. («birth relative»)

(8) The French version of the definition of “birth sibling” in subsection 136 (1) of the Act is repealed and the following substituted:

«frère ou soeur de naissance» Relativement à une personne, s’entend d’un enfant qui a le même père ou la même mère de naissance que cette personne. S’entend également de l’enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l’intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(5) La définition de «père ou mère» au paragraphe 37 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend, en plus d’un parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, de chacune des personnes suivantes, à l’exclusion toutefois d’un père ou d’une mère de famille d’accueil :

1. La personne qui a la garde légitime de l’enfant.
2. La personne qui, au cours des 12 mois avant l’intervention en vertu la présente partie, a manifesté l’intention bien arrêtée de traiter l’enfant comme s’il s’agissait d’un enfant de sa famille ou a reconnu le lien de filiation qui l’unit à l’enfant et a subvenu à ses besoins.
3. La personne qui, aux termes d’une entente écrite ou d’une ordonnance d’un tribunal, est tenue de subvenir aux besoins de l’enfant, s’en est vu accorder la garde ou possède un droit de visite.
4. La personne qui a reconnu le lien de filiation qui l’unit à l’enfant en déposant une déclaration solennelle en vertu de l’article 12 de la *Loi portant réforme du droit de l’enfance*, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*. («parent»)

(6) La version française de la définition de «père ou mère de sang» au paragraphe 136 (1) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(7) La version française de la définition de «parent de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«membre de la parenté de naissance» S’entend :

- a) relativement à un enfant qui n’a pas été adopté, d’un membre de la parenté de l’enfant;
- b) relativement à un enfant qui a été adopté, d’une personne qui aurait été un membre de la parenté de l’enfant s’il n’avait pas été adopté. («birth relative»)

(8) La version française de la définition de «frère ou soeur de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«frère ou soeur de naissance» Relativement à une personne, s’entend d’un enfant qui a le même père ou la même mère de naissance que cette personne. S’entend également de l’enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l’intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(9) The French version of clause (a) of the definition of “openness order” in subsection 136 (1) of the Act is repealed and the following substituted:

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) Paragraph 6 of subsection 136 (2) of the Act is amended by striking out “by blood” and substituting “by birth”.

(11) The definition of “parent” in subsection 137 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means, in addition to a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, each of the following persons, but does not include a licensee or a foster parent:

1. An individual who has lawful custody of the child.
2. An individual who, during the 12 months before the child is placed for adoption under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support.
3. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
4. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children’s Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

(12) The French version of paragraph 1 of subsection 153.6 (1) of the Act is repealed and the following substituted:

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l’enfant.

(13) The French version of paragraph 4 of subsection 153.6 (1) of the Act is repealed and the following substituted:

4. Le père adoptif ou la mère adoptive d’un frère ou d’une soeur de naissance de l’enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l’enfant en vue de son adoption.

(9) La version française de l’alinéa a) de la définition de «ordonnance de communication» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) La disposition 6 du paragraphe 136 (2) de la Loi est modifiée par remplacement de «par le sang» par «par la naissance».

(11) La définition de «père ou mère» au paragraphe 137 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend, en plus d’un parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, de chacune des personnes suivantes, à l’exclusion toutefois d’un titulaire de permis ou d’un père ou d’une mère de famille d’accueil :

1. La personne qui a la garde légitime de l’enfant.
2. La personne qui, au cours des 12 mois qui ont précédé le placement de l’enfant en vue de son adoption en vertu la présente partie, a manifesté l’intention bien arrêtée de traiter l’enfant comme s’il s’agissait d’un enfant de sa famille ou a reconnu le lien de filiation qui l’unit à l’enfant et a subvenu à ses besoins.
3. La personne qui, aux termes d’une entente écrite ou d’une ordonnance d’un tribunal, est tenue de subvenir aux besoins de l’enfant, s’en est vu accorder la garde ou possède un droit de visite.
4. La personne qui a reconnu le lien de filiation qui l’unit à l’enfant en déposant une déclaration solennelle en vertu de l’article 12 de la *Loi portant réforme du droit de l’enfance*, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

(12) La version française de la disposition 1 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l’enfant.

(13) La version française de la disposition 4 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

4. Le père adoptif ou la mère adoptive d’un frère ou d’une soeur de naissance de l’enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l’enfant en vue de son adoption.

(14) The French version of clauses 160 (1) (a) and (b) of the Act is amended by striking out “de sang” wherever it appears and substituting in each case “de naissance”.

(15) Subsection 160 (2) of the Act is repealed.

(16) The French version of clause 220 (1) (a.2) of the Act is amended by striking out “de sang” and substituting “de naissance”.

(17) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”:

1. Paragraphs 1 and 2 of subsection 3 (3).
2. Clause 37 (5) (a).
3. Subsection 51 (3.1).
4. Clause 146 (2) (a).

(18) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de sa parenté”:

1. Subsection 3 (1), definition of “residential service”.
2. Paragraph 6 of subsection 37 (3).
3. Subsection 57 (4).
4. Clauses 141 (8) (a) and (b).

Child Care and Early Years Act, 2014

39. The definition of “relative” in subsection 2 (1) of the *Child Care and Early Years Act, 2014* is amended by striking out “whether by blood, through a spousal relationship or through adoption” at the end and substituting “including through a spousal relationship or adoption”.

Commercial Tenancies Act

40. The French version of subsection 31 (2) of the *Commercial Tenancies Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”.

Community Care Access Corporations Act, 2001

41. The French version of paragraph 2 of section 5 of the *Community Care Access Corporations Act, 2001* is amended by striking out “parents” and substituting “membres de la famille”.

Compensation for Victims of Crime Act

42. The French version of clause (e) of the definition of “dependant” in section 1 of the *Compensation for Victims of Crime Act* is amended by striking out “parent” and substituting “membre de la parenté”.

Co-operative Corporations Act

43. The French version of the following provisions of the *Co-operative Corporations Act* is amended by

(14) La version française des alinéas 160 (1) a) et b) de la Loi est modifiée par remplacement de «de sang» par «de naissance» partout où figure ce terme.

(15) Le paragraphe 160 (2) de la Loi est abrogé.

(16) La version française de l’alinéa 220 (1) a.2) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(17) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme :

1. Les dispositions 1 et 2 du paragraphe 3 (3).
2. L’alinéa 37 (5) a).
3. Le paragraphe 51 (3.1).
4. L’alinéa 146 (2) a).

(18) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de sa parenté» partout où figure ce terme :

1. Le paragraphe 3 (1), définition de «service en établissement».
2. La disposition 6 du paragraphe 37 (3).
3. Le paragraphe 57 (4).
4. Les alinéas 141 (8) a) et b).

Loi de 2014 sur la garde d’enfants et la petite enfance

39. La définition de «membre de la famille» au paragraphe 2 (1) de la *Loi de 2014 sur la garde d’enfants et la petite enfance* est modifiée par remplacement de «, que ce soit par le sang, une union conjugale ou l’adoption» par «, notamment par une union conjugale ou l’adoption» à la fin du paragraphe.

Loi sur la location commerciale

40. La version française du paragraphe 31 (2) de la *Loi sur la location commerciale* est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme.

Loi de 2001 sur les sociétés d’accès aux soins communautaires

41. La version française de la disposition 2 de l’article 5 de la *Loi de 2001 sur les sociétés d’accès aux soins communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Loi sur l’indemnisation des victimes d’actes criminels

42. La version française de l’alinéa e) de la définition de «personne à charge» à l’article 1 de la *Loi sur l’indemnisation des victimes d’actes criminels* est modifiée par remplacement de «parent» par «membre de la parenté».

Loi sur les sociétés coopératives

43. La version française des dispositions suivantes de la *Loi sur les sociétés coopératives* est modifiée par

striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Subsection 1 (1), clause (b) of the definition of “related person”.
2. Subsection 111 (3), clause (e) of the definition of “associate”.

Corporations Act

44. (1) The French version of clause (d) of the definition of “associate” in subsection 72 (1) of the *Corporations Act* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the following provisions of the Act is amended by striking out “parents ou ayants droit survivants” wherever it appears and substituting in each case “membres de la famille ou ayants droit survivants”:

1. Clause 188 (2) (b).
2. Section 190.

(3) The French version of clause 189 (1) (d) of the Act is amended by striking out “parents survivants” and substituting “membres de la famille survivants”.

Credit Unions and Caisses Populaires Act, 1994

45. (1) The French version of clause (c) of the definition of “related person” in section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the definition of “relative” in section 1 of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Employment Standards Act, 2000

46. The French version of the following provisions of the *Employment Standards Act, 2000* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Paragraph 7 of subsection 49.3 (5).
2. Paragraph 7 of subsection 50 (2).
3. Paragraph 7 of subsection 50.1 (8).

Family Law Act

47. (1) Clause (b) of the definition of “spouse” in section 29 of the *Family Law Act* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

(2) Paragraph 1 of subsection 39 (3) of the Act is repealed and the following substituted:

1. The applicant is a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, or has custody of the child under an order or domestic contract.

remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. Le paragraphe 1 (1), alinéa b) de la définition de «personne liée».
2. Le paragraphe 111 (3), alinéa e) de la définition de «personne qui a un lien».

Loi sur les personnes morales

44. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 72 (1) de la *Loi sur les personnes morales* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française des dispositions suivantes de la *Loi* est modifiée par remplacement de «parents ou ayants droit survivants» par «membres de la famille ou ayants droit survivants» partout où figurent ces mots :

1. L’alinéa 188 (2) b).
2. L’article 190.

(3) La version française de l’alinéa 189 (1) d) de la *Loi* est modifiée par remplacement de «parents survivants» par «membres de la famille survivants».

Loi de 1994 sur les caisses populaires et les credit unions

45. (1) La version française de l’alinéa c) de la définition de «personne liée» à l’article 1 de la *Loi de 1994 sur les caisses populaires et les credit unions* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de la définition de «parent» à l’article 1 de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce mot.

Loi de 2000 sur les normes d’emploi

46. La version française des dispositions suivantes de la *Loi de 2000 sur les normes d’emploi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. La disposition 7 du paragraphe 49.3 (5).
2. La disposition 7 du paragraphe 50 (2).
3. La disposition 7 du paragraphe 50.1 (8).

Loi sur le droit de la famille

47. (1) L’alinéa b) de la définition de «conjoint» à l’article 29 de la *Loi sur le droit de la famille* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

(2) La disposition 1 du paragraphe 39 (3) de la *Loi* est abrogée et remplacée par ce qui suit :

1. Le requérant est parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, ou en a la garde aux termes d’une ordonnance ou d’un contrat familial.

(3) Paragraph 2 of subsection 39 (3) of the Act is amended by striking out the portion before subparagraph i and substituting the following:

2. If the applicant is a parent of the child as set out in section 4 of the *Children's Law Reform Act*,

Family Responsibility and Support Arrears Enforcement Act, 1996

48. The French version of clause (i) of the definition of "income source" in subsection 1 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by striking out "parent" wherever it appears and substituting in each case "membre de la famille".

Freedom of Information and Protection of Privacy Act

49. (1) The definition of "close relative" in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out "whether related by blood or adoption" at the end and substituting "including by adoption".

(2) The French version of paragraph 3 of subsection 65 (8) of the Act is amended by striking out "de sang" and substituting "de naissance".

Funeral, Burial and Cremation Services Act, 2002

50. The French version of subsections 48 (2) and (4) of the *Funeral, Burial and Cremation Services Act, 2002* is amended by striking out "parents" wherever it appears and substituting in each case "membres de la famille".

Health Care Consent Act, 1996

51. (1) The French version of paragraph 8 of subsection 20 (1) of the *Health Care Consent Act, 1996* is amended by striking out "parent" and substituting "membre de la famille".

(2) Subsection 20 (10) of the Act is repealed and the following substituted:

Meaning of "relative"

(10) For the purposes of this section, a relative includes a person related to another person by marriage or adoption.

Home Care and Community Services Act, 1994

52. The French version of clause 1 (b) of the *Home Care and Community Services Act, 1994* is amended by striking out "parents" and substituting "membres de la famille".

Homemakers and Nurses Services Act

53. Clause 6 (a) of the *Homemakers and Nurses Services Act* is amended by striking out "his or her mother" and substituting "a parent".

(3) La disposition 2 du paragraphe 39 (3) de la Loi est modifiée par remplacement du passage qui précède la sous-disposition i par ce qui suit :

2. Si le requérant est parent de l'enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance* :

Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments

48. La version française de l'alinéa i) de la définition de «source de revenu» au paragraphe 1 (1) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi sur l'accès à l'information et la protection de la vie privée

49. (1) La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée* est modifiée par remplacement de «qu'ils soient liés par le sang ou l'adoption» par «y compris par l'adoption» à la fin de la définition.

(2) La version française de la disposition 3 du paragraphe 65 (8) de la Loi est modifiée par remplacement de «de sang» par «de naissances».

Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation

50. La version française des paragraphes 48 (2) et (4) de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation* est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme.

Loi de 1996 sur le consentement aux soins de santé

51. (1) La version française de la disposition 8 du paragraphe 20 (1) de la *Loi de 1996 sur le consentement aux soins de santé* est modifiée par remplacement de «parent» par «membre de la famille».

(2) Le paragraphe 20 (10) de la Loi est abrogé et remplacé par ce qui suit :

Sens du terme «membre de la famille»

(10) Pour l'application du présent article, un membre de la famille s'entend notamment d'une personne liée à une autre par le mariage ou l'adoption.

Loi de 1994 sur les services de soins à domicile et les services communautaires

52. La version française de l'alinéa 1 b) de la *Loi de 1994 sur les services de soins à domicile et les services communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Loi sur les services d'aides familiales et d'infirmières visiteuses

53. L'alinéa 6 a) de la *Loi sur les services d'aides familiales et d'infirmières visiteuses* est modifié par remplacement de «de sa mère» par «d'un parent».

Human Rights Code

54. The French version of clause 24 (1) (c) of the *Human Rights Code* is amended by striking out “autre parent” and substituting “à un autre membre de sa famille qui est”.

Insurance Act

55. (1) Subclause (c) (ii) of the definition of “spouse” in subsection 224 (1) of the *Insurance Act* is amended by striking out “the natural or adoptive parents” and substituting “the parents”.

(2) The French version of subclause (c) (ii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “de leurs parents à charge” in the portion before sub-subclause (A) and substituting “des membres de leur famille qui sont à leur charge”.

(3) The French version of subclause (c) (iii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “parents à charge” in the portion before sub-subclause (A) and substituting “membres de la famille qui sont à la charge”.

(4) The French version of subsection 265 (4) of the Act is amended by striking out “parent à charge” wherever it appears in the portion before clause (a) and substituting in each case “membre de la famille à charge”.

(5) The French version of clause 323 (a) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

Legislation Act, 2006

56. Section 68 of the *Legislation Act, 2006* is repealed and the following substituted:

Gender

68. Gender-specific terms refer to any gender and include corporations.

MPPs Pension Act, 1996

57. Clause (d) of the definition of “spouse” in subsection 1 (1) of the *MPPs Pension Act, 1996* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Municipal Conflict of Interest Act

58. The definition of “parent” in section 1 of the *Municipal Conflict of Interest Act* is amended by striking out “whether or not that person is the natural parent of the child” at the end.

Municipal Freedom of Information and Protection of Privacy Act

59. The definition of “close relative” in subsection 2 (1) of the *Municipal Freedom of Information and Pro-*

Code des droits de la personne

54. La version française de l’alinéa 24 (1) c) du *Code des droits de la personne* est modifiée par remplacement de «autre parent» par «à un autre membre de sa famille qui est».

Loi sur les assurances

55. (1) Le sous-alinéa c) (ii) de la définition de «conjoint» au paragraphe 224 (1) de la *Loi sur les assurances* est modifié par remplacement de «les parents naturels ou adoptifs» par «les parents».

(2) La version française du sous-alinéa c) (ii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la Loi est modifiée par remplacement de «de leurs parents à charge» par «des membres de leur famille qui sont à leur charge» dans le passage qui précède le sous-sous-alinéa (A).

(3) La version française du sous-alinéa c) (iii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la Loi est modifiée par remplacement de «parents à charge» par «membres de la famille qui sont à la charge» dans le passage qui précède le sous-sous-alinéa (A).

(4) La version française du paragraphe 265 (4) de la Loi est modifiée par remplacement de «parent à charge» par «membre de la famille à charge» partout où figure cette expression dans le passage qui précède l’alinéa a).

(5) La version française de l’alinéa 323 a) de la Loi est modifiée par remplacement de «parent» par «membre de la famille».

Loi de 2006 sur la législation

56. L’article 68 de la *Loi de 2006 sur la législation* est abrogé et remplacé par ce qui suit :

Genre

68. Les termes sexospécifiques s’appliquent aux personnes physiques de n’importe quel genre, ainsi qu’aux personnes morales.

Loi de 1996 sur le régime de retraite des députés

57. L’alinéa d) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi de 1996 sur le régime de retraite des députés* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

Loi sur les conflits d’intérêts municipaux

58. La définition de «père ou mère» à l’article 1 de la *Loi sur les conflits d’intérêts municipaux* est modifiée par suppression de «Outre le père et la mère d’un enfant,» au début de la définition, et par remplacement de «le traiter» par «traiter un enfant».

Loi sur l’accès à l’information municipale et la protection de la vie privée

59. La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l’accès à l’information municipale et*

tection of Privacy Act is amended by striking out “whether related by blood or adoption” at the end and substituting “including by adoption”.

Not-for-Profit Corporations Act, 2010

60. (1) The French version of clause (d) of the definition of “associate” in subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of clause (e) of the definition of “associate” in subsection 1 (1) of the Act is amended by striking out “d’un des parents du conjoint” and substituting “d’un membre de la famille du conjoint”.

(3) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “d’un de ses parents ou de ceux” and substituting “d’un membre de sa famille ou de celle”.

Ontario Energy Board Act, 1998

61. The French version of clauses (d) and (e) of the definition of “associate” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Parental Responsibility Act, 2000

62. The definition of “parent” in section 1 of the *Parental Responsibility Act, 2000* is repealed and the following substituted:

“parent”, when used in reference to a child, includes any individual who has lawful custody of, or a lawful right of access to, the child. (“père ou mère”, “parents”)

Pension Benefits Act

63. Subclause (b) (ii) of the definition of “spouse” in subsection 1 (1) of the *Pension Benefits Act* is repealed and the following substituted:

- (ii) in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the *Children’s Law Reform Act*;

Personal Health Information Protection Act, 2004

64. (1) The definition of “relative” in section 2 of the *Personal Health Information Protection Act, 2004* is repealed and the following substituted:

“relative” means either of two persons who are related to each other, including through marriage or adoption; (“membre de la famille”)

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

la protection de la vie privée est modifiée par remplacement de «qu’ils soient liés par le sang ou l’adoption» par «y compris par l’adoption» à la fin de la définition.

Loi de 2010 sur les organisations sans but lucratif

60. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de l’alinéa e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi* est modifiée par remplacement de «d’un des parents du conjoint» par «d’un membre de la famille du conjoint».

(3) La version française de l’alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la *Loi* est modifiée par remplacement de «d’un de ses parents ou de ceux» par «d’un membre de sa famille ou de celle».

Loi de 1998 sur la Commission de l’énergie de l’Ontario

61. La version française des alinéas d) et e) de la définition de «personne qui a un lien» à l’article 3 de la *Loi de 1998 sur la Commission de l’énergie de l’Ontario* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2000 sur la responsabilité parentale

62. La définition de «père ou mère» à l’article 1 de la *Loi de 2000 sur la responsabilité parentale* est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend notamment de tout particulier qui en a la garde légitime ou qui a un droit de visite légitime de celui-ci. Le terme «parents» a un sens correspondant. («parent»)

Loi sur les régimes de retraite

63. Le sous-alinéa b) (ii) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi sur les régimes de retraite* est abrogé et remplacé par ce qui suit :

- (ii) soit dans une relation d’une certaine permanence, si elles sont les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi* portant réforme du droit de l’enfance.

Loi de 2004 sur la protection des renseignements personnels sur la santé

64. (1) La définition de «parent» à l’article 2 de la *Loi de 2004 sur la protection des renseignements personnels sur la santé* est abrogée et remplacée par ce qui suit :

«membre de la famille» Personne liée à une autre, notamment par le mariage ou l’adoption. («relative»)

(2) La version française des dispositions suivantes de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. Paragraph 8 of subsection 26 (1).

2. Clause 38 (1) (c).

Pooled Registered Pension Plans Act, 2015

65. Subclause (b) (ii) of the definition of “spouse” in section 2 of the *Pooled Registered Pension Plans Act, 2015* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Residential Tenancies Act, 2006

66. Clause 47.3 (4) (d) of the *Residential Tenancies Act, 2006* is amended by striking out “who is related by blood, marriage or adoption” and substituting “who is related, including through marriage”.

Retirement Homes Act, 2010

67. Subsection 2 (2) of the *Retirement Homes Act, 2010* is repealed and the following substituted:

Interpretation, related person

(2) A person who is related to another person for the purposes of clause (b) of the definition of “retirement home” in subsection (1) includes a person related through adoption, marriage, conjugal relationship outside marriage, other culturally traditional form of kinship as described in the regulations, if any, or through another prescribed form.

SARS Assistance and Recovery Strategy Act, 2003

68. The French version of paragraph 7 of subsection 6 (5) of the *SARS Assistance and Recovery Strategy Act, 2003* is amended by striking out “parent” and substituting “membre de la famille”.

Securities Act

69. The French version of clauses (d) and (f) of the definition of “associate” in subsection 1 (1) of the *Securities Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Substitute Decisions Act, 1992

70. (1) Subsection 1 (2.1) of the *Substitute Decisions Act, 1992* is repealed and the following substituted:

Relatives

(2.1) For the purposes of this Act, a relative includes a person related to another person by marriage or adoption.

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 11 (1.1) (b).

2. Clause 16 (2) (c).

3. Paragraph 2 of subsection 17 (1).

1. La disposition 8 du paragraphe 26 (1).

2. L’alinéa 38 (1) c).

Loi de 2015 sur les régimes de pension agréés collectifs

65. Le sous-alinéa b) (ii) de la définition de «conjoint» à l’article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin du sous-alinéa.

Loi de 2006 sur la location à usage d’habitation

66. L’alinéa 47.3 (4) d) de la *Loi de 2006 sur la location à usage d’habitation* est modifié par remplacement de «qui est liée par le sang, le mariage ou l’adoption» par «qui est liée, y compris par le mariage».

Loi de 2010 sur les maisons de retraite

67. Le paragraphe 2 (2) de la *Loi de 2010 sur les maisons de retraite* est abrogé et remplacé par ce qui suit :

Interprétation, personne liée

(2) Pour l’application de l’alinéa b) de la définition de «maison de retraite» au paragraphe (1), une personne qui est liée à une autre s’entend notamment d’une personne liée à celle-ci par l’adoption, le mariage, une union conjugale hors du mariage ou une autre forme culturellement traditionnelle de parenté précisée dans les règlements, le cas échéant, ou d’une autre manière prescrite.

Loi de 2003 sur la stratégie d’aide et de reprise suite au SRAS

68. La version française de la disposition 7 du paragraphe 6 (5) de la *Loi de 2003 sur la stratégie d’aide et de reprise suite au SRAS* est modifiée par remplacement de «parent» par «membre de la famille».

Loi sur les valeurs mobilières

69. La version française des alinéas d) et f) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les valeurs mobilières* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 1992 sur la prise de décisions au nom d’autrui

70. (1) Le paragraphe 1 (2.1) de la *Loi de 1992 sur la prise de décisions au nom d’autrui* est abrogé et remplacé par ce qui suit :

Membres de la famille

(2.1) Pour l’application de la présente loi, un membre de la famille s’entend notamment d’une personne liée à une autre par le mariage ou l’adoption.

(2) La version française des dispositions suivantes de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L’alinéa 11 (1.1) b).

2. L’alinéa 16 (2) c).

3. La disposition 2 du paragraphe 17 (1).

4. Subsection 24 (2), in the portion before paragraph 1.
5. Paragraph 5 of subsection 37 (4).
6. Subsection 46 (3), in the portion before clause (a).
7. Clause 52 (1.1) (b).
8. Subsection 57 (2), in the portion before paragraph 1.

(3) The French version of the following provisions of the Act is amended by striking out “parents” wherever it appears and substituting in each case “membres de la famille”:

1. Clause 11 (1) (d), in the portion before subclause (i).
2. Paragraph 1 of subsection 37 (3).
3. Paragraphs 2 and 4 of subsection 37 (4).
4. Clause 52 (1) (d).

Succession Law Reform Act

71. (1) The definition of “child” in subsection 1 (1) of the *Succession Law Reform Act* is repealed and the following substituted:

“child” includes,

- (a) a child conceived before and born alive after the parent’s death, and
- (b) a child conceived and born alive after the parent’s death, if the conditions in subsection 1.1 (1) are met; (“enfant”)

(2) The definition of “issue” in subsection 1 (1) of the Act is repealed and the following substituted:

“issue” includes,

- (a) a descendant conceived before and born alive after the person’s death, and
- (b) a descendant conceived and born alive after the person’s death, if the conditions in subsection 1.1 (1) are met; (“descendance”)

(3) The definition of “parent” in subsection 1 (1) of the Act is repealed.

(4) The definition of “spouse” in subsection 1 (1) of the Act is repealed and the following substituted:

“spouse”, except in Part V, has the same meaning as in section 1 of the *Family Law Act*; (“conjoint”)

(5) Subsection 1 (2) of the Act is repealed.

(6) The Act is amended by adding the following section before the heading to Part I:

Posthumous conception, conditions

1.1 (1) The following conditions respecting a child conceived and born alive after a person’s death apply for the purposes of this Act:

4. Le paragraphe 24 (2), dans le passage qui précède la disposition 1.
5. La disposition 5 du paragraphe 37 (4).
6. Le paragraphe 46 (3), dans le passage qui précède l’alinéa a).
7. L’alinéa 52 (1.1) b).
8. Le paragraphe 57 (2), dans le passage qui précède la disposition 1.

(3) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme :

1. L’alinéa 11 (1) d), dans le passage qui précède le sous-alinéa (i).
2. La disposition 1 du paragraphe 37 (3).
3. Les dispositions 2 et 4 du paragraphe 37 (4).
4. L’alinéa 52 (1) d).

Loi portant réforme du droit des successions

71. (1) La définition de «enfant» au paragraphe 1 (1) de la *Loi portant réforme du droit des successions* est abrogée et remplacée par ce qui suit :

«enfant» S’entend notamment :

- a) d’un enfant conçu avant et né vivant après le décès du père ou de la mère;
- b) d’un enfant conçu et né vivant après le décès du père ou de la mère, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («child»)

(2) La définition de «descendance» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«descendance» S’entend notamment :

- a) d’un descendant conçu avant et né vivant après le décès de la personne;
- b) d’un descendant conçu et né vivant après le décès de la personne, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («issue»)

(3) La définition de «père ou mère» au paragraphe 1 (1) de la Loi est abrogée.

(4) La définition de «conjoint» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» Sauf à la partie V, s’entend au sens de l’article 1 de la *Loi sur le droit de la famille*. («spouse»)

(5) Le paragraphe 1 (2) de la Loi est abrogé.

(6) La Loi est modifiée par adjonction de l’article suivant avant l’intitulé de la partie I :

Conception posthume : conditions

1.1 (1) Les conditions suivantes concernant un enfant conçu et né vivant après le décès d’une personne s’appliquent dans le cadre de la présente loi :

1. The person who, at the time of the death of the deceased person, was his or her spouse, must give written notice to the Estate Registrar for Ontario that the person may use reproductive material or an embryo to attempt to conceive, through assisted reproduction and with or without a surrogate, a child in relation to which the deceased person intended to be a parent.
2. The notice under paragraph 1 must be in the form provided by the Ministry of the Attorney General and given no later than six months after the deceased person's death.
3. The posthumously-conceived child must be born no later than the third anniversary of the deceased person's death, or such later time as may be specified by the Superior Court of Justice under subsection (3).
4. A court has made a declaration under section 12 of the *Children's Law Reform Act* establishing the deceased person's parentage of the posthumously-conceived child.

Interpretation

(2) For the purposes of paragraph 1 of subsection (1), "assisted reproduction", "embryo", "reproductive material", "spouse" and "surrogate" have the same meaning as in section 1 of the *Children's Law Reform Act*.

Extension of time

(3) On motion or application, as the case may be, by a surviving spouse who gives notice under paragraph 1 of subsection (1), the Superior Court of Justice may make an order extending the period referred to in paragraph 3 of that subsection, if the Court considers it appropriate in the circumstances.

(7) Section 47 of the Act is amended by adding the following subsections:

Descendants posthumously conceived

(10) For the purposes of this section, descendants and relatives of the deceased conceived and born alive after the death of the deceased shall inherit as if they had been born in the lifetime of the deceased and had survived him or her, if the conditions in subsection 1.1 (1) are met.

Right to inherit

(11) The right of a descendant or relative to whom subsection (10) applies to inherit begins on the day he or she is born.

(8) The definition of "spouse" in section 57 of the Act is repealed and the following substituted:

"spouse" has the same meaning as in section 29 of the *Family Law Act*. ("conjoint")

(9) Section 57 of the Act is amended by adding the following subsection:

1. La personne qui, au moment du décès de la personne décédée, était son conjoint, doit donner au greffier des successions de l'Ontario un avis écrit selon lequel elle peut utiliser du matériel reproductif ou un embryon pour tenter de concevoir, par procréation assistée et avec ou sans l'aide d'un substitut, un enfant à l'égard duquel la personne décédée avait l'intention d'être parent.
2. L'avis visé à la disposition 1 doit être rédigé selon le formulaire fourni par le ministère du Procureur général et donné au plus tard six mois après le décès de la personne décédée.
3. L'enfant conçu de façon posthume doit être né au plus tard au troisième anniversaire du décès de la personne décédée ou à la date ultérieure précisée par la Cour supérieure de justice en vertu du paragraphe (3).
4. Le tribunal a prononcé, en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, une déclaration établissant le lien de filiation de la personne décédée et de l'enfant conçu de façon posthume.

Interprétation

(2) Pour l'application de la disposition 1 du paragraphe (1), «conjoint», «embryon», «matériel reproductif», «procréation assistée» et «substitut» s'entendent au sens de l'article 1 de la *Loi portant réforme du droit de l'enfance*.

Prorogation du délai

(3) Sur motion ou requête, selon le cas, d'un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe (1), la Cour supérieure de justice peut rendre une ordonnance prorogeant le délai visé à la disposition 3 de ce paragraphe si elle l'estime appropriée dans les circonstances.

(7) L'article 47 de la Loi est modifié par adjonction des paragraphes suivants :

Descendants conçus de façon posthume

(10) Pour l'application du présent article, les descendants et les membres de la famille du défunt, s'ils sont conçus et naissent vivants après le décès du défunt, héritent comme s'ils étaient nés de son vivant et lui avaient survécu, si les conditions du paragraphe 1.1 (1) sont remplies.

Droit d'hériter

(11) Le droit d'hériter d'un descendant ou d'un membre de la famille à qui s'applique le paragraphe (10) s'ouvre le jour où il naît.

(8) La définition de «conjoint» à l'article 57 de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse»)

(9) L'article 57 de la Loi est modifié par adjonction du paragraphe suivant :

Dependant posthumously-conceived child

(2) For the purposes of clause (c) of the definition of “dependant” in subsection (1), where the conditions in subsection 1.1 (1) are met in relation to a child conceived and born alive after the death of the deceased, the deceased is deemed to have been, immediately before his or her death, under a legal obligation to provide support to the child.

(10) Section 59 of the Act is amended by adding the following subsection:

Posthumous child not yet conceived

(2) An application may be made under subsection (1) by a surviving spouse who gives notice under paragraph 1 of subsection 1.1 (1) on behalf of a child of the deceased that is referred to in the notice and is not yet conceived, if the application is made no later than six months after the death of the deceased.

Toronto Islands Residential Community Stewardship Act, 1993

72. The definition of “child” in section 1 of the *Toronto Islands Residential Community Stewardship Act, 1993* is repealed and the following substituted:

“child” includes an adopted child; (“enfant”)

Trillium Gift of Life Network Act

73. The French version of clauses 5 (2) (g), (h) and (i) of the *Trillium Gift of Life Network Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Jobs for Today and Tomorrow Act (Budget Measures), 2016

74. (1) Section 2 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* is repealed.

(2) Section 3 of Schedule 33 to the Act is repealed.

(3) Section 6 of Schedule 33 to the Act is repealed.

(4) If, on the day this subsection comes into force, section 8 of Schedule 33 to the Act is not yet in force, that section is repealed.

Strong Action for Ontario Act (Budget Measures), 2012

75. Section 1 of Schedule 7 to the *Strong Action for Ontario Act (Budget Measures), 2012* is repealed.

Commencement

76. (1) Subject to subsections (2) to (12), this Act comes into force on the day it receives Royal Assent.

Same

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

Enfant conçu de façon posthume considéré comme personne à charge

(2) Pour l'application de l'alinéa c) de la définition de «personne à charge» au paragraphe (1), si les conditions prévues au paragraphe 1.1 (1) sont remplies concernant un enfant conçu et né vivant après le décès du défunt, ce dernier est réputé avoir eu, immédiatement avant son décès, une obligation légale de fournir des aliments à l'enfant.

(10) L'article 59 de la Loi est modifié par adjonction du paragraphe suivant :

Enfant posthume non encore conçu

(2) Une requête peut être présentée en vertu du paragraphe (1) par un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe 1.1 (1) au nom d'un enfant du défunt qui est mentionné dans l'avis et qui n'est pas encore conçu, si elle est présentée dans les six mois qui suivent le décès du défunt.

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

72. La définition de «enfant» à l'article 1 de la *Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto* est abrogée et remplacée par ce qui suit :

«enfant» S'entend notamment d'un enfant adopté.
(«child»)

Loi sur le Réseau Trillium pour le don de vie

73. La version française des alinéas 5 (2) g), h) et i) de la *Loi sur le Réseau Trillium pour le don de vie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)

74. (1) L'article 2 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* est abrogé.

(2) L'article 3 de l'annexe 33 de la Loi est abrogé.

(3) L'article 6 de l'annexe 33 de la Loi est abrogé.

(4) Si, le jour de l'entrée en vigueur du présent paragraphe, l'article 8 de l'annexe 33 de la Loi n'est pas encore en vigueur, cet article est abrogé.

Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires)

75. L'article 1 de l'annexe 7 de la *Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires)* est abrogé.

Entrée en vigueur

76. (1) Sous réserve des paragraphes (2) à (12), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) Les dispositions suivantes entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation :

1. Subsection 1 (1).
2. Sections 2 to 17.
3. Subsections 18 (1), (2), (4), (5), (6), (8) and (9).
4. Sections 22 and 23.
5. Sections 26 to 32.
6. Subsections 33 (1) to (3) and section 34.
7. Subsections 37 (1) and (2).
8. Sections 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 and 59.
9. Sections 62, 63, 66, 67, 70, 71 and 72.
10. Subsection 74 (4).

Same

(3) Subsections 1 (2) and 18 (11) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(4) Subsections 18 (3), (7) and (10) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(5) Subsection 21 (2) comes into force one year after the day this Act receives Royal Assent.

Same

(6) Subsections 24 (1), (4) and (5) and 25 (1), (2), (4), (6) and (7) come into force on the later of the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(7) Subsections 24 (2) and (3) and 25 (3) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(8) Subsections 37 (3), (7) and (8) come into force on the later of the day section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

1. Le paragraphe 1 (1).
2. Les articles 2 à 17.
3. Les paragraphes 18 (1), (2), (4), (5), (6), (8) et (9).
4. Les articles 22 et 23.
5. Les articles 26 à 32.
6. Les paragraphes 33 (1) à (3) et l'article 34.
7. Les paragraphes 37 (1) et (2).
8. Les articles 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 et 59.
9. Les articles 62, 63, 66, 67, 70, 71 et 72.
10. Le paragraphe 74 (4).

Idem

(3) Les paragraphes 1 (2) et 18 (11) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(4) Les paragraphes 18 (3), (7) et (10) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(5) Le paragraphe 21 (2) entre en vigueur un an après le jour où la présente loi reçoit la sanction royale.

Idem

(6) Les paragraphes 24 (1), (4) et (5) et 25 (1), (2), (4), (6) et (7) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(7) Les paragraphes 24 (2) et (3) et 25 (3) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(8) Les paragraphes 37 (3), (7) et (8) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 9 de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Same

(9) Subsections 37 (4) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(10) Subsection 37 (6) comes into force on the later of the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(11) Section 60 comes into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

Same

(12) Section 65 comes into force on the later of the day subsection 1 (1) comes into force and the day section 2 of the *Pooled Registered Pension Plans Act, 2015* comes into force.

Short title

77. The short title of this Act is the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016*.

Idem

(9) Les paragraphes 37 (4) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(10) Le paragraphe 37 (6) entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(11) L'article 60 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif*.

Idem

(12) L'article 65 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs*.

Titre abrégé

77. Le titre abrégé de la présente loi est *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 28

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

The Hon. Y. Naqvi
Attorney General

Government Bill

1st Reading	September 29, 2016
2nd Reading	October 3, 2016
3rd Reading	
Royal Assent	

*(Reprinted as amended by the Standing Committee
on Social Policy and as reported
to the Legislative Assembly November 2, 2016)*

*(The provisions in this bill will be renumbered
after 3rd Reading)*

Printed by the Legislative Assembly
of Ontario

Projet de loi 28

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

L'honorable Y. Naqvi
Procureur général

Projet de loi du gouvernement

1 ^{re} lecture	29 septembre 2016
2 ^e lecture	3 octobre 2016
3 ^e lecture	
Sanction royale	

*(Réimprimé tel qu'il a été modifié par le
Comité permanent de la politique sociale
et rapporté à l'Assemblée législative le 2 novembre 2016)*

*(Les dispositions du présent projet de loi
seront renumérotées après la 3^e lecture)*

Imprimé par l'Assemblée législative
de l'Ontario



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~strikethrough~~ for deleted text.

EXPLANATORY NOTE

The Bill makes amendments to the *Children's Law Reform Act* to establish new rules of parentage in Ontario. Related amendments are made to the *Vital Statistics Act* to reflect those rules as they affect birth registrations. Other complementary amendments are made to various statutes to reflect the new rules of parentage.

In addition, the Bill makes amendments to the *Change of Name Act* and to the *Vital Statistics Act* respecting name changes and their registration.

Children's Law Reform Act

Parts I and II of the *Children's Law Reform Act* are repealed and replaced by a new Part I setting out the rules of parentage for all purposes of the law of Ontario. Sections 1 and 2 of the new Part set out definitions and applicable interpretive rules, including rules dealing with the interpretation of references in law and other instruments to relationships by blood. Section 3 of the new Part provides that the Part governs the determination of parentage for all purposes of the law of Ontario.

New rules of parentage are set out in sections 4 to 13 of the new Part:

1. A person is the child of his or her parents, and a child's parents are determined either under sections 6 to 13 if the child is not adopted, or under sections 158 and 159 of the Child and Family Services Act if the child is adopted. Kindred relationships continue to flow from the relationship of parent and child as set out in the Part, ~~and there continues to be no distinction between the status of a child born inside versus outside marriage.~~ (Section 4)

~~2. Informing determinations of parentage in the assisted reproduction context is a rule that the provision of reproductive material or an embryo for use in assisted reproduction is not in itself sufficient to be a parent in law, unless the provision is for the person's own reproductive use. (Section 5)~~

2. A person who provides reproductive material or an embryo for use in assisted reproduction is a parent of a child conceived as a result only if he or she is determined to be a parent under the new Part. (Section 5)

3. A child's birth parent, defined as the person who gives birth to the child, is a parent of the child. The only exception to this is if the birth parent is a surrogate and is determined not to be the child's parent under the new Part. (Section 6)

La présente réimpression du projet de loi comporte des symboles qui indiquent les modifications apportées en comité.

Le nouveau texte est souligné et le texte supprimé est ~~rayé~~.

NOTE EXPLICATIVE

Le projet de loi apporte des modifications à la *Loi portant réforme du droit de l'enfance* pour établir de nouvelles règles de filiation en Ontario. Des modifications connexes sont apportées à la *Loi sur les statistiques de l'état civil* pour tenir compte de ces règles dans la mesure où elles touchent l'enregistrement des naissances. D'autres modifications complémentaires sont apportées à diverses lois pour tenir compte des nouvelles règles de filiation.

De plus, le projet de loi apporte des modifications à la *Loi sur le changement de nom* et à la *Loi sur les statistiques de l'état civil* en ce qui concerne les changements de nom et leur enregistrement.

Loi portant réforme du droit de l'enfance

Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par une nouvelle partie I qui énonce les règles de filiation dans le cadre du droit ontarien. Les articles 1 et 2 de la nouvelle partie énoncent les définitions et les règles d'interprétation applicables, notamment les règles relatives à l'interprétation des mentions des liens par le sang qui sont faites dans les lois, les règlements et d'autres textes. L'article 3 de la nouvelle partie prévoit que celle-ci régit l'établissement de la filiation dans le cadre du droit ontarien.

De nouvelles règles de filiation sont énoncées aux articles 4 à 13 de la nouvelle partie :

1. Une personne est l'enfant de ses parents et la qualité de parent de ces derniers est établie aux termes des articles 6 à 13 si l'enfant n'est pas adopté ~~ou sous le régime aux termes des articles 158 et 159 de la Loi sur les services à l'enfance et à la famille~~ si l'enfant est adopté. Les liens de parenté continuent de découler du lien de filiation tel qu'il est énoncé à cette partie, ~~et les enfants continuent de jouir du même statut, qu'ils soient nés dans le cadre du mariage ou hors mariage.~~ (Article 4)

~~2. Pour éclaircir les décisions visant à établir la filiation dans le contexte de la procréation assistée, est prévue la règle voulant que le fait de fournir du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée ne suffit pas, en soi, pour être reconnu parent en droit, à moins que la fourniture de ce matériel ou de cet embryon ne soit destinée à servir les propres fins reproductives de la personne. (Article 5)~~

2. La personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée n'est parent d'un enfant conçu en conséquence que si elle est reconnue comme parent aux termes de la nouvelle partie. (Article 5)

3. Le parent de naissance d'un enfant, au sens de la personne qui donne naissance à l'enfant, est parent de l'enfant. La seule exception à cette règle est le cas du parent de naissance qui est un substitut et qui n'est pas reconnu comme parent de l'enfant aux termes de la nouvelle partie. (Article 6)

4. If a child is conceived without the use of assisted reproduction, the child's biological father is also a parent of the child. Rebuttable presumptions are set out respecting how a biological father may be determined. The only exception to these rules is a person who provides his own sperm for use in conceiving a child without the use of assisted reproduction if, before the child is conceived, he and the intended birth parent agree in writing that he does not intend to be a parent of the child (insemination by a sperm donor). (Section 7)

4. If a child is conceived through sexual intercourse, the person whose sperm resulted in the conception is also a parent of the child. Rebuttable presumptions are set out respecting how that person may be determined. An exception is made in the case where two persons engage in sexual intercourse for the purpose of conceiving a child, but agree in advance in writing that the person providing the sperm does not intend to be a parent of the child (insemination by a sperm donor). (Section 7)

5. A birth parent's spouse at the time a child is conceived either through assisted reproduction or through insemination by a sperm donor is presumed to be a parent of the child. ~~This does not apply if. The presumption may be rebutted if it is proven on the balance of probabilities that, before the child is conceived, the spouse did not consent to be a parent of the child or withdrew consent previously given. The presumption does not operate~~ This also does not apply in the case of a spouse of a surrogate, nor if the child is posthumously conceived. (Section 8)

6. A birth parent may enter into a pre-conception parentage agreement with one or more persons in which they agree to be, together, parents of a child yet to be conceived. Subject to the meeting of specified conditions, including that there be no more than four parties to the agreement, on the birth of a child contemplated by the agreement, any party to the agreement who is not otherwise a parent of the child also becomes a parent of the child. (Section 9)

7. Where a surrogate and one or more intended parents of a child to be carried by the surrogate enter into a surrogacy agreement and a child contemplated by the agreement is born, the intended parents become the parents of the child and the surrogate ceases to be a parent of the child if specified conditions are met. These conditions include that there are no more than four intended parents under the agreement, that each of the parties to the agreement received independent legal advice before signing, and that the child is conceived through assisted reproduction. The change in parentage is also contingent on the surrogate giving written consent relinquishing the surrogate's entitlement to parentage of the child, but the consent may not be given before the child is seven days old. Until that time, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. If the surrogate does not or cannot give consent, an application may be made to the court for a declaration of parentage respecting the child. Although a surrogacy agreement may be used as evidence of parental intent, it is unenforceable in law. (Section 10)

4. Si un enfant est conçu sans recours à la procréation assistée, son père biologique est aussi parent de l'enfant. Des présomptions réfutables sont énoncées relativement à la façon de reconnaître le père biologique. La seule exception à ces règles est le cas de la personne qui fournit son propre sperme en vue de son utilisation pour la conception d'un enfant sans recours à la procréation assistée si, avant la conception de l'enfant, elle-même et le parent de naissance d'intention conviennent par écrit qu'elle n'a pas l'intention d'être parent de l'enfant (insémination par un donneur de sperme). (Article 7)

4. Si un enfant est conçu par relation sexuelle, la personne dont le sperme a mené à la conception est aussi parent de l'enfant. Des présomptions réfutables sont énoncées relativement à la façon de reconnaître cette personne. Une exception est prévue dans le cas où deux personnes ont une relation sexuelle en vue de concevoir un enfant, mais conviennent au préalable par écrit que la personne qui fournit le sperme n'a pas l'intention d'être parent de l'enfant (insémination par un donneur de sperme). (Article 7)

5. Le conjoint du parent de naissance au moment où un enfant est conçu par procréation assistée ou par insémination par un donneur de sperme est ~~présumé~~ parent de l'enfant. Cette règle ne s'applique pas si ~~présomption~~ peut être réfutée s'il est prouvé par la prépondérance des probabilités que, avant la conception de l'enfant, le conjoint n'a pas consenti à être parent de l'enfant ou a retiré le consentement qu'il avait déjà donné. ~~La présomption~~ Cette règle ne s'applique pas ~~non plus~~ dans le cas du conjoint d'un substitut ~~ni ou~~ dans le cas d'une conception posthume. (Article 8)

6. Le parent de naissance peut conclure, avec une ou plusieurs personnes, une convention de filiation antérieure à la conception selon laquelle ils conviennent d'être, ensemble, parents d'un enfant qui n'est pas encore conçu. Sous réserve que soient remplies des conditions précisées, notamment celle voulant qu'il n'y ait pas plus de quatre parties à la convention, à la naissance d'un enfant envisagé par la convention, toute partie à la convention qui n'est pas par ailleurs parent de l'enfant devient également parent de l'enfant. (Article 9)

7. Lorsqu'un substitut et un ou plusieurs parents d'intention d'un enfant que doit porter le substitut concluent une convention de gestation pour autrui et que naît un enfant envisagé par la convention, les parents d'intention deviennent les parents de l'enfant et le substitut cesse d'en être un parent si les conditions précisées sont remplies. Parmi ces conditions, il ne doit pas y avoir plus de quatre parents d'intention aux termes de la convention, chacune des parties à la convention doit avoir reçu un avis juridique indépendant avant de la signer et l'enfant doit être conçu par procréation assistée. Le changement de filiation est également subordonné à la remise par le substitut de son consentement écrit à la cession de son droit à la filiation avec l'enfant, mais ce consentement ne peut pas être donné avant que l'enfant ne soit âgé de sept jours. Jusqu'à ce que ce délai soit écoulé, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. Si le substitut ne donne pas ou ne peut pas donner son consentement, une requête en déclaration de filiation peut être présent-

8. If all of the conditions of section 10 are met except that there are more than four intended parents under the surrogacy agreement, an application to the court for a declaration of parentage is required in order for the intended parents to become the parents of the child and for the surrogate to cease being a parent of the child. The application may not be made after the child's first birthday. Although the surrogate's written consent relinquishing the surrogate's entitlement to parentage of the child is typically required, the requirement may be waived by the court in specified circumstances. Until a declaration is made, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. (Section 11)
9. Where, before a person's death, that person and his or her spouse agreed to be parents of a child conceived after the person's death through assisted reproduction, the surviving spouse may apply to the court for a declaration that the deceased person is a parent of a child who is so conceived, once the child is born. The application may not be made after the child is 90 days old. The court may make the declaration if specified conditions are met. (Section 12)
10. In any event, a person may apply to the court for a declaration that a person is or is not a parent of a child, unless the child is adopted. ~~The court must take into account any presumptions of parentage that apply under the Part.~~ In specified circumstances, including where a declaration would result in a child having more than two parents, the declaration may only be made if certain conditions are met, including that such a declaration is in the best interests of the child. (Section 13)

A declaration of parentage may be set aside (section 14). Otherwise, a declaration of parentage must be recognized for all purposes, and is deemed to have been effective from the child's birth (section 15). Section 16 of the new Part provides for rules respecting the recognition by Ontario courts of declarations of parentage made by courts or tribunals outside the province.

The remaining provisions of the new Part deal mostly with procedural and evidentiary matters, such as DNA and other tests to establish parentage and changes of surname arising from declarations of parentage.

In addition to re-enacting Part I of the Act and repealing Part II, the Bill makes various complementary amendments to other provisions of the Act. This includes amendments to references to parents that assume that a child would have no more than two parents, as well as amendments to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate.

tée au tribunal à l'égard de l'enfant. Bien qu'une convention de gestation pour autrui puisse être invoquée comme preuve de l'intention d'être parent, elle est inexecutable en droit. (Article 10)

8. Si toutes les conditions de l'article 10 sont remplies, à l'exception du fait qu'il y a plus de quatre parents d'intention aux termes de la convention de gestation pour autrui, la présentation d'une requête en déclaration de filiation au tribunal est requise afin que les parents d'intention puissent devenir les parents de l'enfant et que le substitut cesse d'en être un parent. La requête ne peut être présentée après le premier anniversaire de naissance de l'enfant. Bien que le consentement écrit du substitut à la cession de son droit à la filiation avec l'enfant soit généralement exigé, le tribunal peut dispenser de cette obligation dans des situations précisées. Jusqu'à ce qu'une déclaration soit prononcée, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. (Article 11)
9. Lorsque, avant le décès d'une personne, cette dernière et son conjoint ont convenu d'être parents d'un enfant conçu par procréation assistée après le décès de cette personne, le conjoint survivant peut présenter au tribunal une requête lui demandant de déclarer que la personne décédée est parent d'un enfant ainsi conçu, une fois que l'enfant est né. La requête ne peut être présentée après que l'enfant est âgé de 90 jours. Le tribunal peut prononcer la déclaration si les conditions précisées sont remplies. (Article 12)
10. Quoi qu'il en soit, une personne peut présenter au tribunal une requête lui demandant de déclarer qu'une personne est ou n'est pas parent d'un enfant, sauf si l'enfant est adopté. ~~Le tribunal doit tenir compte des présomptions de filiation qui s'appliquent dans le cadre de la partie.~~ Dans les circonstances précisées, notamment dans le cas d'une déclaration qui aurait pour conséquence qu'un enfant a plus de deux parents, la déclaration ne peut être prononcée que si certaines conditions sont remplies, y compris celle selon laquelle une telle déclaration est dans l'intérêt véritable de l'enfant. (Article 13)

Toute déclaration de filiation peut être annulée (article 14). Par ailleurs, une déclaration de filiation doit être reconnue à toutes fins et est réputée avoir pris effet à partir de la naissance de l'enfant (article 15). L'article 16 de la nouvelle partie prévoit des règles relatives à la reconnaissance par les tribunaux ontariens des déclarations de filiation prononcées par des tribunaux judiciaires ou autres à l'extérieur de la province.

Les autres dispositions de la nouvelle partie portent principalement sur des questions de procédure et de preuve, telles que les tests d'ADN et autres tests servant à établir la filiation et les changements de nom de famille découlant des déclarations de filiation.

En plus de réédicter la partie I de la Loi et d'en abroger la partie II, le projet de loi apporte diverses modifications complémentaires à d'autres dispositions de la Loi. Il y a notamment des modifications aux mentions de parents qui supposent qu'un enfant n'aurait pas plus de deux parents, ainsi que des modifications à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés.

Vital Statistics Act

The Bill makes various amendments to the *Vital Statistics Act* that reflect the new rules of parentage, including amendments to subsection 9 (1) (respecting the certification of a child's birth), subsection 9 (7) (respecting amendments to a child's birth registration as a result of a declaration of parentage made under the *Children's Law Reform Act*), and the addition of a subsection 10 (3.1) to provide for rules respecting the determination of a child's surname when the child has more than two parents. In addition, complementary amendments are made to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate, to use "membre de la famille" instead of "parent" as a translation of the English term "relative", and to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes amendments respecting name changes. The Bill adds a transition provision for section 14 of the Act, which is being repealed. That section allows a person with lawful custody of a child under the age of 12 years to elect to change the child's names.

The Bill makes the following main amendments to section 31 of the Act that deals with a situation where the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. If the Registrar General has noted the change on the person's birth registration but no applicant requested that it be done, the Registrar General may request the person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.
2. At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.
3. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
4. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person on whose birth registration the Registrar General noted a change of name all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
5. If the Registrar General notes an annulment of a change of name under subsection 31 (12), the Registrar General may request that any person, applicant or child affected by the annulment submit the prescribed documents that are in the applicable person's possession.

Loi sur les statistiques de l'état civil

Le projet de loi apporte diverses modifications à la *Loi sur les statistiques de l'état civil* qui tiennent compte des nouvelles règles de filiation, notamment la modification du paragraphe 9 (1) (concernant la certification de la naissance d'un enfant) et du paragraphe 9 (7) (concernant la modification de l'enregistrement de la naissance d'un enfant par suite d'une déclaration de filiation prononcée en vertu de la *Loi portant réforme du droit de l'enfance*) et l'adjonction du paragraphe 10 (3.1) qui prévoit des règles relatives à la détermination du nom de famille d'un enfant lorsque celui-ci a plus de deux parents. De plus, des modifications complémentaires sont apportées à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés, pour remplacer «parent» par «membre de la famille» comme traduction du terme anglais «relative» et pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte des modifications relatives aux changements de nom. Il ajoute une disposition transitoire pour l'article 14 de la Loi, qui est en voie d'abrogation. Cet article permet à une personne ayant la garde légitime d'un enfant âgé de moins de 12 ans de décider de changer les noms de l'enfant.

Le projet de loi apporte les modifications principales suivantes à l'article 31 de la Loi, qui traite des cas où le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. S'il a noté le changement sur l'enregistrement de la naissance de la personne alors que nul n'en a fait la demande, le registraire général de l'état civil peut demander à la personne de présenter tous les documents prescrits qui se trouvent en sa possession et la personne doit obtempérer.
2. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.
3. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
4. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour y noter un changement de nom tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire civil de l'état général, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
5. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31 (12), le registraire général de l'état civil peut demander que toute personne, tout auteur de demande ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

The Bill makes the following main amendments to section 31.1 of the Act that deals with a situation where the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.
2. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
3. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
4. If the Registrar General notes an annulment of a change of name under subsection 31.1 (9), the Registrar General may request that any person or child affected by the annulment submit the prescribed documents that are in the applicable person's possession.

Complementary amendments to other Acts

The Bill amends various other Acts in order to reflect the new rules of parentage. This includes the following amendments:

1. Amendments to remove references to persons being related by blood.
2. Amendments to remove references to persons being the natural parents of a child.
3. Amendments to the French version of Acts to use "membre de la famille" instead of "parent" as a translation of the English term "relative".
4. Amendments to the French version of Acts to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes substantive amendments to several Acts respecting either parentage or name changes.

Change of Name Act

At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.

Le projet de loi apporte les principales modifications suivantes à l'article 31.1 de la Loi, qui traite des cas où le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.
2. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
3. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
4. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31.1 (9), le registraire général de l'état civil peut demander que toute personne ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

Modifications complémentaires d'autres lois

Le projet de loi modifie diverses autres lois afin de tenir compte des nouvelles règles de filiation, notamment :

1. Des modifications supprimant les mentions de personnes liées par le sang.
2. Des modifications supprimant les mentions de personnes qui sont les parents naturels d'un enfant.
3. Des modifications à la version française de lois pour remplacer le terme de «parent», comme traduction du terme anglais «relative», par celui de «membre de la famille».
4. Des modifications à la version française de lois pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte à plusieurs lois des modifications de fond en ce qui concerne la filiation ou les changements de nom.

Loi sur le changement de nom

À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.

If the person requesting the notation of the change is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession. If it is the child who requests the notation of the change on the child's birth registration, the child must submit to the Registrar General, with the request, the prescribed documents that are in the child's possession, together with all the prescribed documents that the child is required to collect from a person for whom the Registrar General has registered a change of name and that are in the person's possession. (Section 37)

Legislation Act, 2006

Section 68 of the *Legislation Act, 2006* currently provides that gender-specific terms, when used in legislation, include both sexes. The section is re-enacted so that it provides that gender-specific terms refer to any gender. (Section 56)

Succession Law Reform Act

The Bill makes amendments to the *Succession Law Reform Act* to provide that, if specified conditions are met, a child conceived after the death of one of his or her parents is still a child and issue for the purposes of the Act. The conditions are specified in a new section 1.1 of the Act. Section 47 of the Act, which deals with the distribution of property of a person who dies intestate, is amended to provide that if the conditions are met, the posthumously-conceived child inherits as if he or she had been born during the lifetime of the deceased and had survived him or her. Sections 57 and 59 of the Act are amended so that, if the conditions are met, the posthumously-conceived child may be considered in a determination of whether adequate provision for the proper support of the dependants of a deceased person has been made. (Section 71)

Si la personne qui demande que le changement soit noté n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés de tous les documents prescrits qui se trouvent en la possession de la personne. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit présenter au registraire général de l'état civil, avec la demande, les documents prescrits qui se trouvent en sa possession, accompagnés de tous les documents prescrits qu'il doit obtenir d'une personne dont le registraire général de l'état civil a enregistré le changement de nom et qui se trouvent en la possession de la personne. (Article 37)

Loi de 2006 sur la législation

L'actuel article 68 de la *Loi de 2006 sur la législation* prévoit que le masculin ou le féminin s'applique, lorsqu'il est employé dans la législation, à l'un ou l'autre sexe. Cet article est réédité pour prévoir que les termes sexospécifiques s'appliquent à n'importe quel genre. (Article 56)

Loi portant réforme du droit des successions

Le projet de loi apporte des modifications à la *Loi portant réforme du droit des successions* pour prévoir que, si des conditions précisées sont remplies, un enfant conçu après le décès d'un de ses parents est toujours un enfant et la descendance pour l'application de la Loi. Ces conditions sont précisées dans le nouvel article 1.1 de la Loi. L'article 47 de la Loi, qui porte sur le partage des biens d'une personne qui décède *ab intestat*, est modifié pour prévoir que si les conditions sont remplies, l'enfant conçu de façon posthume hérite comme s'il était né du vivant de la personne décédée et lui avait survécu. Les articles 57 et 59 de la Loi sont modifiés de sorte que, si les conditions sont remplies, l'enfant conçu de façon posthume peut être pris en considération dans une décision établissant si des dispositions suffisantes ont été prises pour que soient fournis des aliments convenables aux personnes à charge d'une personne décédée. (Article 71)

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CHILDREN'S LAW REFORM ACT

1. (1) Parts I and II of the *Children's Law Reform Act* are repealed and the following substituted:

**PART I
PARENTAGE**

INTERPRETATION AND APPLICATION

Definitions and interpretation, Part I

Definitions

1. (1) In this Part,

“assisted reproduction” means a method of conceiving other than by sexual intercourse; (“procréation assistée”)

“birth” means birth as defined in the *Vital Statistics Act* and includes a still-birth as defined in that Act; (“naissance”)

“birth parent” means, in relation to a child, the person who gives birth to the child; (“parent de naissance”)

“court” means the Family Court or the Superior Court of Justice; (“tribunal”)

“embryo” means embryo as defined in the *Assisted Human Reproduction Act* (Canada); (“embryon”)

“insemination by a sperm donor” means an attempt to conceive a child ~~without the use of assisted reproduction through sexual intercourse~~ in the circumstances described in subsection 7 (4); (“insémination par un donneur de sperme”)

“reproductive material” means all or any part of a sperm, ovum or other human cell or a human gene; (“matériel reproductif”)

“spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage; (“conjoint”)

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE

1. (1) Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par ce qui suit :

**PARTIE I
FILIACTION**

INTERPRÉTATION ET APPLICATION

Définitions et interprétation : partie I

Définitions

1. (1) Les définitions qui suivent s'appliquent à la présente partie.

«conjoint» Personne avec laquelle une personne est mariée ou avec laquelle elle vit dans une union conjugale hors du mariage. («spouse»)

«embryon» S'entend au sens de la *Loi sur la procréation assistée* (Canada). («embryo»)

«insémination par un donneur de sperme» Tentative de conception d'un enfant ~~sans recours à la procréation assistée par relation sexuelle~~ dans les circonstances prévues au paragraphe 7 (4). («insemination by a sperm donor»)

«matériel reproductif» Tout ou partie d'une cellule humaine, y compris un ovule ou un spermatozoïde, ou d'un gène humain. («reproductive material»)

«naissance» La naissance au sens de la *Loi sur les statistiques de l'état civil*. S'entend en outre de la mortinaissance au sens de cette loi. («birth»)

«parent de naissance» Relativement à un enfant, s'entend de la personne qui lui donne naissance. («birth parent»)

«procréation assistée» Procréation résultant d'une méthode de conception autre que la relation sexuelle. («assisted reproduction»)

«substitut» Personne qui convient de porter un enfant conçu par procréation assistée si, au moment de la con-

“surrogate” means a person who agrees to carry a child conceived through assisted reproduction if, at the time of conception, the person intends to relinquish entitlement to parentage of the child, once born, to one or more persons. (“substitut”)

If marriage is void

(2) For the purposes of the definition of “spouse” in subsection (1), two persons who, in good faith, go through a form of marriage with each other that is void but who live in a conjugal relationship are deemed to be married during the time they live in a conjugal relationship, and the marriage is deemed to be terminated when they cease to do so.

Interpretation, conception through assisted reproduction

(3) For the purposes of this Part, a child conceived through assisted reproduction is deemed to have been conceived on the day the reproductive material or embryo used in the assisted reproduction is implanted in the birth parent.

Rules of construction

Relationship by blood or marriage

2. (1) For the purposes of construing any Act, regulation or, subject to subsection (3), instrument, unless a contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person,

- (a) includes a person who comes within that description by reason of the relationship of parent and child set out in this Part; and
- (b) in respect of a child conceived through assisted reproduction or through insemination by a sperm donor, does not include,
 - (i) a person who provided reproductive material or an embryo for use in the conception if that person is not a parent of the child, or
 - (ii) a person related to a person referred to in subclause (i).

Application to Acts, statutory instruments

(2) Subsection (1) applies to an Act, regulation or other instrument made under an Act, regardless of when it was enacted or made.

Application to other instruments

(3) In the case of an instrument that is not made under an Act,

- (a) subsection (1) applies to the instrument if it was made on or after the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force;

ception, elle a l'intention de céder, à une ou à plusieurs personnes, son droit à la filiation avec l'enfant une fois qu'il sera né. («surrogate»)

«tribunal» La Cour de la famille ou la Cour supérieure de justice. («court»)

Nullité du mariage

(2) Pour l'application de la définition de «conjoint» au paragraphe (1), deux personnes qui ont contracté, de bonne foi, une forme de mariage qui est nul d'une nullité absolue, mais qui vivent dans une union conjugale sont réputées mariées pendant la période durant laquelle elles vivent dans une telle union. Leur mariage est réputé prendre fin au moment où elles cessent de vivre dans une telle union.

Interprétation : conception par procréation assistée

(3) Pour l'application de la présente partie, l'enfant conçu par procréation assistée est réputé avoir été conçu le jour où le matériel reproductif ou l'embryon utilisé pour la procréation assistée est implanté dans le parent de naissance.

Règles d'interprétation

Liens par le sang ou par le mariage

2. (1) Aux fins de l'interprétation des lois, des règlements ou, sous réserve du paragraphe (3), des actes, sauf intention contraire manifeste, la mention d'une personne ou d'un groupe ou d'une catégorie de personnes décrites en fonction de ses liens du sang ou du mariage avec une autre personne :

- a) vaut mention de la personne qui correspond à cette description du fait du lien de filiation énoncé à la présente partie;
- b) ne vaut mention, à l'égard d'un enfant conçu par procréation assistée ou par insémination par un donneur de sperme :
 - (i) ni de la personne qui a fourni du matériel reproductif ou un embryon en vue de son utilisation pour la conception si elle n'est pas parent de l'enfant,
 - (ii) ni de la personne liée à une personne visée au sous-alinéa (i).

Application aux lois, règlements et autres textes réglementaires

(2) Le paragraphe (1) s'applique à une loi, à un règlement ou à un autre acte pris ou fait en vertu d'une loi, quel que soit le moment de son édicition, de sa prise ou de son adoption.

Application à d'autres textes

(3) Dans le cas d'un acte qui n'est pas fait en vertu d'une loi :

- a) le paragraphe (1) s'applique à l'acte s'il a été fait le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* ou après ce jour;

- (b) subsection (1) as it read immediately before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force continues to apply to an instrument made before that day, if it was made on or after March 31, 1978.

References assuming two parents

(4) If, under this Part, a child has more than two parents, a reference in any Act or regulation to the parents of the child that is not intended to exclude a parent shall, unless a contrary intention appears, be read as a reference to all of the child's parents, even if the terminology used assumes that a child would have no more than two parents.

References to “le père ou la mère”, “le père et la mère”, etc.

(5) For the purposes of construing the French version of any Act or regulation, unless a contrary intention appears, the terms “père” and “mère” used together, conjunctively or disjunctively, in relation to a child, shall be construed as referring to a parent or parents of the child as set out in this Part.

Application

3. This Part governs the determination of parentage for all purposes of the law of Ontario.

RULES OF PARENTAGE

Person is child of parents

4. (1) A person is the child of his or her parents.

Determining parent of a child

- (2) A parent of a child is,
- (a) ~~a person determined to be a parent~~ a person who is a parent of the child under sections 6 to 13, except in the case of an adopted child;
- (b) in the case of an adopted child, a parent of the child as provided for ~~under the *Child and Family Services Act*~~ under section 158 or 159 of the *Child and Family Services Act*.

Kindred relationships

(3) The relationship of parent and child set out in subsections (1) and (2) shall be followed in determining the kindred relationships that flow from it.

~~No distinction whether child born inside, outside marriage~~

~~—(4) There is no distinction between the status of a child born inside marriage and a child born outside marriage.~~

For all purposes of Ontario law

(5) For greater certainty, this section applies for all purposes of the law of Ontario.

~~Provision of reproductive material, embryo not determinative~~

~~—5. (1) A person who provides reproductive material or an embryo for use in assisted reproduction,~~

- b) le paragraphe (1) dans sa version en vigueur avant le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* continue de s'appliquer à un acte fait avant ce jour-là, s'il a été fait le 31 mars 1978 ou après cette date.

Mentions supposant deux parents

(4) Si, en vertu de la présente partie, un enfant a plus de deux parents, toute mention, dans une loi ou un règlement, des parents de l'enfant qui ne vise pas à exclure un parent vaut mention, sauf intention contraire manifeste, de tous les parents de l'enfant, même si la terminologie utilisée suppose qu'un enfant n'aurait pas plus de deux parents.

Mentions de «le père ou la mère», de «le père et la mère» et d'autres formulations analogues

(5) Aux fins de l'interprétation de la version française de toute loi ou de tout règlement, sauf intention contraire manifeste, les termes «père» et «mère», employés ensemble, de manière conjonctive ou disjonctive, relativement à un enfant, visent le parent ou les parents de l'enfant, comme il est énoncé à la présente partie.

Champ d'application

3. La présente partie régit l'établissement de la filiation dans le cadre du droit ontarien.

RÈGLES DE FILIATION

La personne est l'enfant de ses parents

4. (1) Une personne est l'enfant de ses parents.

Reconnaissance d'un parent d'un enfant

- (2) Un parent d'un enfant est :
- a) ~~une personne reconnue comme parent~~ une personne qui est parent de l'enfant aux termes des articles 6 à 13, sauf dans le cas d'un enfant adopté;
- b) dans le cas d'un enfant adopté, un parent de l'enfant, comme le prévoit ~~la *Loi sur les services à l'enfance et à la famille*~~ l'article 158 ou 159 de la *Loi sur les services à l'enfance et à la famille*.

Liens de parenté

(3) Le lien de filiation énoncé aux paragraphes (1) et (2) régit l'établissement des liens de parenté qui en découlent.

~~Absence de distinction : enfants nés d'un mariage et hors mariage~~

~~—(4) Les enfants jouissent tous du même statut, qu'ils soient nés dans le cadre du mariage ou hors mariage.~~

Application dans le cadre du droit ontarien

(5) Il est entendu que le présent article s'applique dans le cadre du droit ontarien.

~~Fourniture de matériel reproductif ou d'un embryon non déterminante~~

~~—5. (1) Toute personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée :~~

- (a) is not, by reason only of the provision, a parent of the child; and
- (b) shall not, by reason only of the provision, be recognized in law to be a parent of the child.

Exception

- (2) Subsection (1) does not apply if the provision of the reproductive material or embryo by the person is for his or her own reproductive use.

Provision of reproductive material, embryo not determinative

5. A person who provides reproductive material or an embryo for use in the conception of a child through assisted reproduction is not, and shall not be recognized in law to be, a parent of the child unless he or she is a parent of the child under this Part.

Birth parent

- 6. (1) The birth parent of a child is, and shall be recognized in law to be, a parent of the child.

Exception, surrogacy

- (2) Subsection (1) is subject to the relinquishment of an entitlement to parentage by a surrogate under section 10, or to a declaration by a court to that effect under section 10 or 11.

Other parent, where no assisted reproduction

- 7. (1) The biological father of a child conceived without the use of assisted reproduction is, and shall be recognized in law to be, a parent of the child.

Presumed biological father

- (2) Unless the contrary is proven on a balance of probabilities, there is a presumption that a person is, and shall be recognized in law to be, the biological father of a child conceived without the use of assisted reproduction in any of the following circumstances:

- 1. The person was the birth parent's spouse at the time of the child's birth.
- 2. The person was married to the child's birth parent by a marriage that was terminated by death or judgment of nullity within 300 days before the child's birth or by divorce where the judgment of divorce was granted within 300 days before the child's birth.
- 3. The person was living in a conjugal relationship with the child's birth parent before the child's birth and the child is born within 300 days after they cease to live in a conjugal relationship.
- 4. The person has certified the child's birth, as a parent of the child, under the *Vital Statistics Act* or a similar Act in another jurisdiction in Canada.
- 5. The person has been found or recognized by a court of competent jurisdiction outside Ontario to be the father of the child.

- a) n'est pas, de ce seul fait, parent de l'enfant;

- b) ne peut, de ce seul fait, être reconnue parent de l'enfant en droit.

Exception

- (2) Le paragraphe (1) ne s'applique pas si la fourniture du matériel reproductif ou de l'embryon par la personne est destinée à servir à ses propres fins reproductives.

Fourniture de matériel reproductif ou d'un embryon non déterminante

5. Toute personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la conception d'un enfant par procréation assistée n'est pas parent de l'enfant ni reconnue comme tel en droit, à moins d'être parent aux termes de la présente partie.

Parent de naissance

- 6. (1) Le parent de naissance d'un enfant est parent de l'enfant et est reconnu comme tel en droit.

Exception : gestation pour autrui

- (2) Le paragraphe (1) est subordonné à la cession par un substitut d'un droit à la filiation aux termes de l'article 10, ou à une déclaration à cet effet prononcée par un tribunal en vertu de l'article 10 ou 11.

Autre parent en l'absence de procréation assistée

- 7. (1) Le père biologique d'un enfant conçu sans recours à la procréation assistée est parent de l'enfant et est reconnu comme tel en droit.

Père biologique présumé

- (2) À moins que le contraire ne soit prouvé par la prépondérance des probabilités, une personne est présumée le père biologique d'un enfant conçu sans recours à la procréation assistée et, par présomption, est reconnue comme tel en droit dans l'une ou l'autre des circonstances suivantes :

- 1. La personne était le conjoint du parent de naissance à la naissance de l'enfant.
- 2. La personne était unie au parent de naissance de l'enfant par un mariage qui a été dissous soit par un décès ou un jugement de nullité dans les 300 jours qui ont précédé la naissance de l'enfant ou par un divorce si un jugement de divorce a été prononcé au cours de cette même période.
- 3. La personne vivait dans une union conjugale avec le parent de naissance de l'enfant avant la naissance de celui-ci et l'enfant est né dans les 300 jours après qu'ils ont cessé de vivre dans une telle union.
- 4. La personne a certifié la naissance de l'enfant, à titre de parent de l'enfant, aux termes de la *Loi sur les statistiques de l'état civil* ou d'une loi analogue d'une autre autorité législative du Canada.
- 5. Le lien de paternité entre la personne et l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.

Conflicting presumptions

— (3) If circumstances exist that give rise to a presumption by more than one person under subsection (2), no presumption shall be made under that subsection.

Non-application, insemination by a sperm donor

— (4) This section is deemed not to apply to a person who provides his own sperm for use in conceiving a child without the use of assisted reproduction if, before the child is conceived, the person and the intended birth parent agree in writing that the person providing the sperm does not intend to be a parent of any child conceived as a result.

Same, sperm donor not a parent

— (5) A person to whom subsection (4) applies is not, and shall not be recognized in law to be, a parent of a child conceived in the circumstances set out in that subsection.

Other biological parent, if sexual intercourse

7. (1) The person whose sperm resulted in the conception of a child conceived through sexual intercourse is, and shall be recognized in law to be, a parent of the child.

Presumption

(2) Unless the contrary is proven on a balance of probabilities, there is a presumption in respect of a child conceived through sexual intercourse that a person is, and shall be recognized in law to be, the parent referred to in subsection (1) if any of the following circumstances applies:

1. The person was the birth parent's spouse at the time of the child's birth.
2. The person was married to the child's birth parent by a marriage that was terminated by death or judgment of nullity within 300 days before the child's birth or by divorce where the judgment of divorce was granted within 300 days before the child's birth.
3. The person was living in a conjugal relationship with the child's birth parent before the child's birth and the child is born within 300 days after they cease to live in a conjugal relationship.
4. The person has certified the child's birth, as a parent of the child, under the *Vital Statistics Act* or a similar Act in another jurisdiction in Canada.
5. The person has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.

Conflicting presumptions

(3) If circumstances exist that give rise to a presumption by more than one person under subsection (2), no presumption shall be made under that subsection.

Présomptions contradictoires

— (3) Si des circonstances donnent lieu à une présomption prévue au paragraphe (2) par plus d'une personne, aucune présomption n'est établie en application de ce paragraphe.

Non-application : insémination par un donneur de sperme

— (4) Le présent article est réputé ne pas s'appliquer à la personne qui fournit son propre sperme en vue de son utilisation pour la conception d'un enfant sans recours à la procréation assistée si, avant la conception de l'enfant, cette personne et le parent de naissance d'intention conviennent par écrit que la personne qui fournit le sperme n'a pas l'intention d'être parent de tout enfant conçu en conséquence.

Idem : donneur de sperme sans la qualité de parent

— (5) La personne à laquelle s'applique le paragraphe (4) n'est pas parent d'un enfant conçu dans les circonstances énoncées à ce paragraphe et n'est pas reconnue comme tel en droit.

Autre parent biologique en cas de relation sexuelle

7. (1) La personne dont le sperme a mené à la conception d'un enfant par relation sexuelle est parent de l'enfant et est reconnue comme tel en droit.

Présomption

(2) À moins que le contraire ne soit prouvé par la prépondérance des probabilités, il est présumé, à l'égard d'un enfant conçu par relation sexuelle, qu'une personne est le parent aux termes du paragraphe (1) et est reconnue comme tel en droit si l'une ou l'autre des circonstances suivantes s'applique :

1. La personne était le conjoint du parent de naissance à la naissance de l'enfant.
2. La personne était unie au parent de naissance de l'enfant par un mariage qui a été dissous soit par un décès ou un jugement de nullité dans les 300 jours qui ont précédé la naissance de l'enfant ou par un divorce si un jugement de divorce a été prononcé au cours de cette même période.
3. La personne vivait dans une union conjugale avec le parent de naissance de l'enfant avant la naissance de celui-ci et l'enfant est né dans les 300 jours après qu'ils ont cessé de vivre dans une telle union.
4. La personne a certifié la naissance de l'enfant, à titre de parent de l'enfant, aux termes de la *Loi sur les statistiques de l'état civil* ou d'une loi analogue d'une autre autorité législative du Canada.
5. Le statut de la personne en tant que parent de l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.

Présomptions contradictoires

(3) Si des circonstances donnent lieu à une présomption prévue au paragraphe (2) par plus d'une personne, aucune présomption n'est établie en application de ce paragraphe.

Non-application, insemination by a sperm donor

(4) This section is deemed not to apply to a person whose sperm is used to conceive a child through sexual intercourse if, before the child is conceived, the person and the intended birth parent agree in writing that the person does not intend to be a parent of the child.

Same, sperm donor not a parent

(5) A person to whom subsection (4) applies is not, and shall not be recognized in law to be, a parent of a child conceived in the circumstances set out in that subsection.

Presumed other parent, birth parent's spouseAssisted reproduction

—8. (1) If the birth parent of a child conceived through assisted reproduction had a spouse at the time of the child's conception, there is a presumption that the spouse is, and shall be recognized in law to be, a parent of the child.

Insemination by a sperm donor

—(2) If the birth parent of a child conceived through insemination by a sperm donor had a spouse at the time of the child's conception, there is a presumption that the spouse is, and shall be recognized in law to be, a parent of the child.

Rebuttal of presumption

—(3) The spouse of a birth parent shall not be presumed to be a parent under subsection (1) or (2) if it is proven on the balance of probabilities that, before the child's conception,

- (a) the spouse did not consent to be a parent of the child; or
- (b) the spouse consented to be a parent of the child but withdrew the consent.

Non-application

—(4) This section does not apply if the birth parent is a surrogate or if the child is conceived after the death of a person declared under section 12 to be his or her parent.

Birth parent's spouse, if assisted reproduction or insemination by sperm donorAssisted reproduction

8. (1) If the birth parent of a child conceived through assisted reproduction had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.

Insemination by a sperm donor

(2) If the birth parent of a child conceived through insemination by a sperm donor had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.

Non-application : insémination par un donneur de sperme

(4) Le présent article est réputé ne pas s'appliquer à la personne dont le sperme est utilisé pour concevoir un enfant par relation sexuelle si, avant la conception de l'enfant, cette personne et le parent de naissance d'intention conviennent par écrit que la personne n'a pas l'intention d'être parent de l'enfant.

Idem : donneur de sperme sans la qualité de parent

(5) La personne à laquelle s'applique le paragraphe (4) n'est pas parent d'un enfant conçu dans les circonstances énoncées à ce paragraphe et n'est pas reconnue comme tel en droit.

Conjoint du parent de naissance présumé un autre parentProcréation assistée

—8. (1) Si le parent de naissance d'un enfant conçu par procréation assistée avait un conjoint au moment de la conception, ce conjoint est présumé parent de l'enfant et, par présomption, est reconnu comme tel en droit.

Insémination par un donneur de sperme

—(2) Si le parent de naissance d'un enfant conçu par insémination par un donneur de sperme avait un conjoint au moment de la conception, ce conjoint est présumé parent de l'enfant et, par présomption, est reconnu comme tel en droit.

Réfutation de la présomption

—(3) Le conjoint d'un parent de naissance ne peut pas être présumé parent aux termes du paragraphe (1) ou (2) s'il est prouvé par la prépondérance des probabilités qu'avant la conception de l'enfant :

- a) soit le conjoint n'a pas consenti à être parent de l'enfant;
- b) soit le conjoint a consenti à être parent de l'enfant, mais a retiré son consentement.

Non-application

—(4) Le présent article ne s'applique pas si le parent de naissance est un substitut ou si l'enfant est conçu après le décès d'une personne déclarée son parent en vertu de l'article 12.

Conjoint du parent de naissance en cas de procréation assistée ou d'insémination par un donneur de spermeProcréation assistée

8. (1) Si le parent de naissance d'un enfant conçu par procréation assistée avait un conjoint au moment de la conception, ce conjoint est parent de l'enfant et est reconnu comme tel en droit.

Insémination par un donneur de sperme

(2) Si le parent de naissance d'un enfant conçu par insémination par un donneur de sperme avait un conjoint au moment de la conception, ce conjoint est parent de l'enfant et est reconnu comme tel en droit.

Non-application, lack of consent

(3) This section does not apply if, before the child's conception,

- (a) the spouse did not consent to be a parent of the child; or
- (b) the spouse consented to be a parent of the child but withdrew the consent.

Non-application, surrogacy or posthumous conception

(4) This section does not apply if the birth parent is a surrogate or if the child is conceived after the death of a person declared under section 12 to be his or her parent.

Parents under pre-conception parentage agreements

Definition

9. (1) In this section,

“pre-conception parentage agreement” means a written agreement between two or more parties in which they agree to be, together, the parents of a child yet to be conceived.

Application

(2) This section applies with respect to a pre-conception parentage agreement only if,

- (a) there are no more than four parties to the agreement;
- (b) the intended birth parent is not a surrogate, and is a party to the agreement;
- ~~—(c) if the child is to be conceived without the use of assisted reproduction, the person who intends to be the biological father of the child is a party to the agreement; and~~
- (c) if the child is to be conceived through sexual intercourse but not through insemination by a sperm donor, the person whose sperm is to be used for the purpose of conception is a party to the agreement; and
- (d) if the child is to be conceived through assisted reproduction or through insemination by a sperm donor, the spouse, if any, of the person who intends to be the birth parent is a party to the agreement, subject to subsection (3).

If spouse intends to not be a parent

(3) Clause (2) (d) does not apply if, before the child is conceived, the birth parent's spouse provides written confirmation that he or she does not consent to be a parent of the child and does not withdraw the confirmation.

Recognition of parentage

(4) On the birth of a child contemplated by a pre-conception parentage agreement, together with every party to a pre-conception parentage agreement who is a parent of the child under section 6 (birth parent),

Non-application : absence de consentement

(3) Le présent article ne s'applique pas si, avant la conception de l'enfant :

- a) soit le conjoint n'a pas consenti à être parent de l'enfant;
- b) soit le conjoint a consenti à être parent de l'enfant, mais a retiré son consentement.

Non-application : gestation pour autrui ou conception posthume

(4) Le présent article ne s'applique pas si le parent de naissance est un substitut ou si l'enfant est conçu après le décès d'une personne déclarée son parent en vertu de l'article 12.

Parents visés par les conventions de filiation antérieures à la conception

Définition

9. (1) La définition qui suit s'applique au présent article.

«convention de filiation antérieure à la conception» Convention écrite entre deux parties ou plus selon laquelle elles conviennent d'être, ensemble, les parents d'un enfant qui n'est pas encore conçu.

Application

(2) Le présent article ne s'applique à l'égard d'une convention de filiation antérieure à la conception que si les conditions suivantes sont réunies :

- a) il n'y a pas plus de quatre parties à la convention;
- b) le parent de naissance d'intention n'est pas un substitut et est partie à la convention;
- ~~—(c) si l'enfant doit être conçu sans recours à la procréation assistée, la personne qui a l'intention d'être le père biologique de l'enfant est partie à la convention;~~
- (c) si l'enfant doit être conçu par relation sexuelle, mais non par insémination par un donneur de sperme, la personne dont le sperme sera utilisé pour les besoins de la conception est partie à la convention;
- d) si l'enfant doit être conçu par procréation assistée ou par insémination par un donneur de sperme, le conjoint, le cas échéant, de la personne qui a l'intention d'être le parent de naissance est partie à la convention, sous réserve du paragraphe (3).

Conjoint n'ayant pas l'intention d'être parent

(3) L'alinéa (2) d) ne s'applique pas si, avant la conception de l'enfant, le conjoint du parent de naissance donne une confirmation écrite selon laquelle il ne consent pas à être parent de l'enfant et qu'il ne la retire pas.

Reconnaissance de la filiation

(4) À la naissance d'un enfant envisagé par une convention de filiation antérieure à la conception, conjointement avec chaque partie à la convention qui est parent de l'enfant aux termes de l'article 6 (parent de naissance), 7

7 (~~biological father~~) (other biological parent) or 8 (birth parent's spouse), the other parties to the agreement are, and shall be recognized in law to be, parents of the child.

Surrogacy, up to four intended parents

Definitions

10. (1) In this section and in section 11,

“intended parent” means a party to a surrogacy agreement, other than the surrogate; (“parent d’intention”)

“surrogacy agreement” means a written agreement between a surrogate and one or more persons respecting a child to be carried by the surrogate, in which,

- (a) the surrogate agrees to not be a parent of the child, and
- (b) each of the other parties to the agreement agrees to be a parent of the child. (“convention de gestation pour autrui”)

Application

(2) This section applies only if the following conditions are met:

1. The surrogate and one or more persons enter into a surrogacy agreement before the child to be carried by the surrogate is conceived.
2. The surrogate and the intended parent or parents each received independent legal advice before entering into the agreement.
3. Of the parties to the agreement, there are no more than four intended parents.
4. The child is conceived through assisted reproduction.

Recognition of parentage

(3) Subject to subsection (4), on the surrogate providing to the intended parent or parents consent in writing relinquishing the surrogate's entitlement to parentage of the child,

- (a) the child becomes the child of each intended parent and each intended parent becomes, and shall be recognized in law to be, a parent of the child; and
- (b) the child ceases to be the child of the surrogate and the surrogate ceases to be a parent of the child.

Limitation

(4) The consent referred to in subsection (3) must not be provided before the child is seven days old.

Parental rights and responsibilities

(5) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parent or parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the child is seven days old, but any provision of the surrogacy

(~~père biologique~~) (autre parent biologique) ou 8 (conjoint du parent de naissance), les autres parties à la convention sont parents de l'enfant et sont reconnus comme tels en droit.

Gestation pour autrui : maximum de quatre parents d'intention

Définitions

10. (1) Les définitions qui suivent s'appliquent au présent article et à l'article 11.

«convention de gestation pour autrui» Convention écrite entre un substitut et une ou plusieurs personnes à l'égard d'un enfant qui doit être porté par le substitut, prévoyant ce qui suit :

- a) le substitut convient de ne pas être parent de l'enfant;
- b) chacune des autres parties à la convention convient d'être parent de l'enfant. («surrogacy agreement»)

«parent d'intention» Partie à une convention de gestation pour autrui, à l'exclusion du substitut. («intended parent»)

Application

(2) Le présent article ne s'applique que si les conditions suivantes sont réunies :

1. Le substitut et une ou plusieurs personnes concluent une convention de gestation pour autrui avant la conception de l'enfant qui doit être porté par le substitut.
2. Le substitut et le parent ou les parents d'intention reçoivent chacun un avis juridique indépendant avant de conclure la convention.
3. Parmi les parties à la convention, on ne compte pas plus de quatre parents d'intention.
4. L'enfant est conçu par procréation assistée.

Reconnaissance de la filiation

(3) Sous réserve du paragraphe (4), dès que le substitut donne au parent ou aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant :

- a) d'une part, l'enfant devient l'enfant de chaque parent d'intention, lequel devient parent de l'enfant et est reconnu comme tel en droit;
- b) d'autre part, l'enfant cesse d'être l'enfant du substitut, lequel cesse d'être parent de l'enfant.

Restriction de délai

(4) Le consentement mentionné au paragraphe (3) ne doit pas être donné avant que l'enfant ne soit âgé de sept jours.

Droits et responsabilités parentaux

(5) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et le parent ou les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à ce qu'il soit âgé de sept jours. Toutefois,

agreement respecting parental rights and responsibilities after that period is of no effect.

Failure to give consent

(6) Any party to a surrogacy agreement may apply to the court for a declaration of parentage with respect to the child if the consent referred to in subsection (3) is not provided by the surrogate because,

- (a) the surrogate is deceased or otherwise incapable of providing the consent;
- (b) the surrogate cannot be located after reasonable efforts have been made to do so; or
- (c) the surrogate refuses to provide the consent.

Declaration

(7) If an application is made under subsection (6), the court may,

- (a) grant the declaration that is sought; or
- (b) make any other declaration respecting the parentage of a child born to the surrogate as the court sees fit.

Child's best interests

(8) The paramount consideration by the court in making a declaration under subsection (7) shall be the best interests of the child.

Effect of surrogacy agreement

(9) A surrogacy agreement is unenforceable in law, but may be used as evidence of,

- (a) an intended parent's intention to be a parent of a child contemplated by the agreement; and
- (b) a surrogate's intention to not be a parent of a child contemplated by the agreement.

Surrogacy, more than four intended parents

11. (1) If the conditions set out in subsection 10 (2) are met other than the condition set out in paragraph 3 of that subsection, any party to the surrogacy agreement may apply to the court for a declaration of parentage respecting a child contemplated by the agreement.

Time limit

(2) An application under subsection (1) may not be made,

- (a) until the child is born; and
- (b) unless the court orders otherwise, after the first anniversary of the child's birth.

Parental rights and responsibilities

(3) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the court

après cette période, toute stipulation de la convention de gestation pour autrui touchant les droits et responsabilités parentaux est sans effet.

Défaut de consentement

(6) Toute partie à une convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard de l'enfant si le substitut ne donne pas le consentement mentionné au paragraphe (3) du fait que, selon le cas :

- a) il est décédé ou est par ailleurs incapable de donner le consentement;
- b) il ne peut être retrouvé à la suite d'efforts raisonnables déployés à cette fin;
- c) il refuse de donner le consentement.

Déclaration

(7) Si une requête est présentée en vertu du paragraphe (6), le tribunal peut :

- a) soit accorder la déclaration demandée;
- b) soit prononcer toute autre déclaration qu'il estime opportune à l'égard de la filiation d'un enfant né du substitut.

Intérêt véritable de l'enfant

(8) L'intérêt véritable de l'enfant est le critère prépondérant dont tient compte le tribunal lorsqu'il prononce une déclaration en vertu du paragraphe (7).

Effet de la convention de gestation pour autrui

(9) Toute convention de gestation pour autrui est inexécutoire en droit, mais peut être invoquée comme preuve de l'intention :

- a) d'un parent d'intention d'être parent d'un enfant envisagé par la convention;
- b) d'un substitut de ne pas être parent d'un enfant envisagé par la convention.

Gestation pour autrui : plus de quatre parents d'intention

11. (1) Si les conditions énoncées au paragraphe 10 (2) sont remplies à part celle énoncée à la disposition 3 de ce paragraphe, toute partie à la convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard d'un enfant envisagé par la convention.

Délai

(2) Une requête visée au paragraphe (1) ne peut être présentée :

- a) d'une part, avant la naissance de l'enfant;
- b) d'autre part, après le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.

Droits et responsabilités parentaux

(3) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à

makes a declaration of parentage respecting the child.

Declaration

(4) If an application is made under subsection (1), the court may make any declaration that the court may make under section 10 and, for the purpose, subsections 10 (8) and (9) apply with necessary modifications.

Post-birth consent of surrogate

(5) A declaration naming one or more intended parents as a parent of the child and determining that the surrogate is not a parent of the child shall not be made under subsection (4) unless, after the child's birth, the surrogate provides to the intended parents consent in writing relinquishing the surrogate's entitlement to parentage of the child.

Waiver

(6) Despite subsection (5), the court may waive the consent if any of the circumstances set out in subsection 10 (6) apply.

Posthumous conception

12. (1) A person who, at the time of a deceased person's death, was his or her spouse, may apply to the court for a declaration that the deceased person is a parent of a child conceived after his or her death through assisted reproduction.

Time limit

(2) An application under subsection (1) may not be made,

- (a) until the child is born; and
- (b) unless the court orders otherwise, later than 90 days after the child's birth.

Declaration

(3) The court may grant the declaration if the following conditions are met:

1. The deceased person consented in writing to be, together with the applicant, the parents of a child conceived posthumously through assisted reproduction, and did not withdraw the consent before his or her death.
2. If the child was born to a surrogate, the applicant is a parent of the child under section 10, and there is no other parent of the child.

Declaration of parentage, general

13. (1) At any time after a child is born, any person having an interest may apply to the court for a declaration that a person is or is not a parent of the child.

Exception, adopted child

(2) Subsection (1) does not apply if the child is adopted.

Declaration

(3) If the court finds on the balance of probabilities

ce que le tribunal prononce une déclaration de filiation à l'égard de l'enfant.

Déclaration

(4) Si une requête est présentée en vertu du paragraphe (1), le tribunal peut prononcer toute déclaration qu'il est habilité à prononcer en vertu de l'article 10 et, à cette fin, les paragraphes 10 (8) et (9) s'appliquent avec les adaptations nécessaires.

Consentement postnatal du substitut

(5) La déclaration qui désigne un ou plusieurs parents d'intention comme parent de l'enfant et qui établit que le substitut n'est pas parent de l'enfant ne doit pas être prononcée en vertu du paragraphe (4), à moins que, après la naissance de l'enfant, le substitut ne donne aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant.

Dispense

(6) Malgré le paragraphe (5), le tribunal peut dispenser du consentement exigé si l'une des situations visées au paragraphe 10 (6) s'applique.

Conception posthume

12. (1) La personne qui, au moment du décès d'une personne décédée, était son conjoint peut demander au tribunal, par voie de requête, une déclaration portant que la personne décédée est parent d'un enfant conçu par procréation assistée après son décès.

Délai

(2) Une requête visée au paragraphe (1) ne peut être présentée :

- a) d'une part, avant la naissance de l'enfant;
- b) d'autre part, plus de 90 jours après la naissance de l'enfant, sauf ordonnance contraire du tribunal.

Déclaration

(3) Le tribunal peut prononcer la déclaration si les conditions suivantes sont réunies :

1. La personne décédée a consenti par écrit à être, conjointement avec le requérant, les parents d'un enfant conçu de façon posthume par procréation assistée et n'a pas retiré le consentement avant son décès.
2. Si l'enfant était né d'un substitut, le requérant est parent de l'enfant aux termes de l'article 10 et il n'y a pas d'autre parent de l'enfant.

Déclarations de filiation : dispositions générales

13. (1) En tout temps après la naissance d'un enfant, toute personne ayant un intérêt peut demander au tribunal, par voie de requête, de prononcer une déclaration portant qu'une personne est ou n'est pas parent de l'enfant.

Exception : enfant adopté

(2) Le paragraphe (1) ne s'applique pas si l'enfant est adopté.

Déclaration

(3) S'il conclut, d'après la prépondérance des probabi-

that a person is or is not a parent of a child, the court may make a declaration to that effect.

Presumptions to be given effect

~~—(4) In making a declaration under subsection (3), the court shall give effect to any applicable presumption that arises under this Part.~~

Restriction

(5) Despite subsection (3), the court shall not make any of the following declarations of parentage respecting a child under that subsection unless the conditions set out in subsection (6) are met:

1. A declaration of parentage that results in the child having more than two parents.
2. A declaration of parentage that results in the child having as a parent one other person, in addition to his or her birth parent, if that person is not a parent of the child under section 7, 8 or 9.

Conditions

(6) The following conditions apply for the purposes of subsection (5):

1. The application for the declaration is made on or before the first anniversary of the child's birth, unless the court orders otherwise.
2. Every other person who is a parent of the child is a party to the application.
3. There is evidence that, before the child was conceived, every parent of the child and every person in respect of whom a declaration of parentage respecting that child is sought under the application intended to be, together, parents of the child.
4. The declaration is in the best interests of the child.

Reopening on new evidence

14. (1) If a declaration is made by the court under this Part and evidence becomes available that was not available at the hearing of the application, the court may, on application, set aside or vary the order and make any other orders or give any directions that the court considers necessary.

No effect on rights, property interests

(2) Setting aside an order under subsection (1) does not affect rights and duties that were exercised or performed, or interests in property that were distributed, before the order was set aside.

Effect of declaration

15. (1) A declaration made under this Part shall be recognized for all purposes.

Deemed effective from birth

(2) A declaration made under this Part is deemed to

lités, qu'une personne est ou n'est pas parent d'un enfant, le tribunal peut prononcer une déclaration à cet effet.

Effet donné aux présomptions

~~—(4) Lorsqu'il prononce une déclaration en vertu du paragraphe (3), le tribunal donne effet à toute présomption applicable découlant de la présente partie.~~

Restriction

(5) Malgré le paragraphe (3), le tribunal ne peut prononcer l'une ou l'autre des déclarations de filiation suivantes à l'égard d'un enfant en vertu de ce paragraphe que si les conditions énoncées au paragraphe (6) sont remplies :

1. Une déclaration de filiation qui a pour conséquence que l'enfant a plus de deux parents.
2. Une déclaration de filiation qui a pour conséquence que l'enfant a une autre personne comme parent, en plus de son parent de naissance, si cette personne n'est pas parent de l'enfant aux termes de l'article 7, 8 ou 9.

Conditions

(6) Les conditions suivantes s'appliquent dans le cadre du paragraphe (5) :

1. La requête en déclaration est présentée au plus tard le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.
2. Chaque autre personne qui est parent de l'enfant est partie à la requête.
3. Il existe des preuves que, avant la conception de l'enfant, chaque parent de l'enfant et chaque personne à propos de laquelle une déclaration de filiation à l'égard de cet enfant est demandée dans la requête avaient l'intention d'être, ensemble, parents de l'enfant.
4. La déclaration est dans l'intérêt véritable de l'enfant.

Nouveaux éléments de preuve

14. (1) Si une déclaration est prononcée par le tribunal en vertu de la présente partie et que sont mis à disposition des éléments de preuve qui ne l'étaient pas lors de l'audition de la requête, le tribunal peut, sur requête, annuler ou modifier l'ordonnance et rendre toute autre ordonnance ou donner toute directive qu'il estime nécessaire.

Aucune incidence sur les droits, obligations et intérêts

(2) L'annulation d'une ordonnance en vertu du paragraphe (1) ne porte pas atteinte aux droits exercés et aux obligations exécutées, ni aux intérêts à l'égard des biens ayant fait l'objet d'une répartition, avant l'annulation de l'ordonnance.

Effet de la déclaration

15. (1) La déclaration prononcée en vertu de la présente partie est reconnue à toutes fins.

Déclaration réputée avoir pris effet à la naissance

(2) La déclaration prononcée en vertu de la présente

have been effective from the child's birth.

EXTRA-PROVINCIAL DECLARATORY ORDERS

Extra-provincial declaratory orders

16. (1) In this section,

“extra-provincial declaratory order” means an order, or part of an order, that makes a declaration of parentage similar to a declaration that may be made under ~~this Part~~ section 13, if it is made by a court or tribunal outside Ontario that has jurisdiction to make such an order.

Recognition of Canadian orders

(2) Subject to subsection (3), a court shall recognize an extra-provincial declaratory order made in another jurisdiction in Canada.

Exception

(3) A court may decline to recognize an extra-provincial declaratory order made in another jurisdiction in Canada if,

- (a) evidence becomes available that was not available during the proceeding that led to the making of the extra-provincial declaratory order; or
- (b) the court is satisfied that the extra-provincial declaratory order was obtained by fraud or duress.

Recognition of non-Canadian orders

(4) Subject to subsection (5), a court shall recognize an extra-provincial declaratory order that was made in a jurisdiction outside Canada if,

- (a) the child or at least one parent of the child was habitually resident in the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made; or
- (b) the child or at least one parent of the child had a real and substantial connection with the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made.

Exception

(5) A court may decline to recognize an extra-provincial declaratory order made in a jurisdiction outside Canada,

- (a) in the circumstances described in clause (3) (a) or (b); or
- (b) if the extra-provincial declaratory order is contrary to public policy in Ontario.

partie est réputée avoir pris effet à partir de la naissance de l'enfant.

ORDONNANCES DÉCLARATOIRES EXTRAPROVINCIALES

Ordonnances déclaratoires extraprovinciales

16. (1) La définition qui suit s'applique au présent article.

«ordonnance déclaratoire extraprovinciale» Ordonnance, ou partie d'une ordonnance, qui prononce une déclaration de filiation semblable à la déclaration qui peut être prononcée en vertu de ~~la présente partie~~ l'article 13, si elle est rendue par un tribunal judiciaire ou autre à l'extérieur de l'Ontario ayant compétence pour rendre une telle ordonnance.

Reconnaissance des ordonnances canadiennes

(2) Sous réserve du paragraphe (3), un tribunal reconnaît une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada.

Exception

(3) Un tribunal peut refuser de reconnaître une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada si, selon le cas :

- a) sont mis à disposition des éléments de preuve qui ne l'étaient pas à l'instance au cours de laquelle l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) le tribunal est convaincu que l'ordonnance déclaratoire extraprovinciale a été obtenue par fraude ou contrainte.

Reconnaissance des ordonnances non canadiennes

(4) Sous réserve du paragraphe (5), un tribunal reconnaît l'ordonnance déclaratoire extraprovinciale qui a été rendue à l'étranger si, selon le cas :

- a) l'enfant ou au moins un de ses parents avait sa résidence habituelle dans le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) l'enfant ou au moins un de ses parents avait des liens étroits et véritables avec le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue.

Exception

(5) Un tribunal peut refuser de reconnaître une ordonnance déclaratoire extraprovinciale rendue à l'étranger :

- a) dans les circonstances visées à l'alinéa (3) a) ou b);
- b) si l'ordonnance déclaratoire extraprovinciale est contraire à l'intérêt public en Ontario.

Effect of recognition of order

(6) An extra-provincial declaratory order that is recognized by the court ~~has the same effect as if it had been made by the court under this Part shall be deemed to be an order of the court under section 13, and shall be treated for all purposes as if it were an order made under that section.~~

OTHER MATTERS

Corresponding change of surname

17. (1) Any person declared under section 10, 11 or 13 to be a parent of a child may apply to the court for an order that the child's surname be changed to any surname that the child could have been given at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*.

Same

(2) An application under subsection (1) to change a child's surname may be made at the same time as an application for a declaration under section 10, 11 or 13.

Best interests of the child

(3) An order under subsection (1) changing a child's surname may be made only if it is in the best interests of the child.

Admissibility in evidence of acknowledgment against interest

17.1 A written acknowledgment of parentage that is admitted in evidence in any proceeding against the interest of the person making the acknowledgment is proof, in the absence of evidence to the contrary, of the fact.

Blood, DNA tests

17.2 (1) On the application of a party in a proceeding in which the court is called on to determine a child's parentage, the court may give the party leave to obtain a blood test, DNA test or any other test the court considers appropriate of a person named in the order granting leave, and to submit the results in evidence.

Conditions

(2) The court may impose conditions, as it thinks proper, on an order under subsection (1).

Consent to procedure

(3) The *Health Care Consent Act, 1996* applies to the test as if it were treatment under that Act.

Inference from refusal

(4) If a person named in an order under subsection (1) refuses to submit to the test, the court may draw such inferences as it thinks appropriate.

Exception

(5) Subsection (4) does not apply if the refusal is the

Effet de la reconnaissance de l'ordonnance

(6) L'ordonnance déclaratoire extraprovinciale qui est reconnue par le tribunal ~~a le même effet que si elle avait été rendue par le tribunal en vertu de la présente partie est réputée être une ordonnance du tribunal visée à l'article 13 et est traitée, à tous égards, comme si elle avait été rendue en vertu de cet article.~~

AUTRES QUESTIONS

Changement de nom de famille correspondant

17. (1) Toute personne déclarée parent d'un enfant en vertu de l'article 10, 11 ou 13 peut demander au tribunal, par voie de requête, de rendre une ordonnance changeant le nom de famille de l'enfant pour lui donner tout nom de famille qu'il aurait pu recevoir à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l'état civil*.

Idem

(2) La requête visée au paragraphe (1) demandant le changement du nom de famille d'un enfant peut être présentée en même temps qu'une requête demandant l'obtention d'une déclaration en vertu de l'article 10, 11 ou 13.

Intérêt véritable de l'enfant

(3) Une ordonnance visée au paragraphe (1) qui change le nom de famille d'un enfant ne peut être rendue que si elle est dans l'intérêt véritable de l'enfant.

Admissibilité en preuve de la reconnaissance de filiation

17.1 La reconnaissance écrite de filiation admise en preuve dans une instance contre l'intérêt de son auteur constitue, en l'absence de preuve contraire, la preuve des faits qui y sont énoncés.

Analyse de sang, test d'ADN ou autre test

17.2 (1) Sur requête d'une partie à une instance dans laquelle il est appelé à décider de la filiation d'un enfant, le tribunal peut autoriser cette partie à obtenir une analyse de sang, un test d'ADN ou tout autre test que le tribunal juge approprié d'une personne nommée dans l'ordonnance d'autorisation, et à en présenter les résultats en preuve.

Conditions

(2) Le tribunal peut, s'il le juge opportun, assortir de conditions une ordonnance visée au paragraphe (1).

Consentement à l'analyse ou au test

(3) La *Loi de 1996 sur le consentement aux soins de santé* s'applique à l'analyse ou au test comme s'il s'agissait d'un traitement visé par cette loi.

Inférences en cas de refus de se soumettre

(4) Si une personne nommée dans une ordonnance visée au paragraphe (1) refuse de se soumettre à une analyse ou à un test, le tribunal peut en tirer les inférences qu'il juge appropriées.

Exception

(5) Le paragraphe (4) ne s'applique pas si le refus est

decision of a substitute decision-maker as defined in section 9 of the *Health Care Consent Act, 1996*.

Confidentiality

17.3 Section 70 applies with necessary modifications if a proceeding includes an application under this Part.

Court statement

17.4 On the making of a declaratory order under this Part that a person is or is not a parent of a child, the clerk of the court shall file with the Registrar General a statement, in the form provided by the Ministry of the Attorney General, respecting the order.

Certified copies of documents filed with the Registrar General

Court statement

17.5 (1) On application and payment of the required fee under the *Vital Statistics Act*, any person may obtain from the Registrar General a certified copy of a statement filed under section 17.4.

Statutory declaration of parentage

(2) On application and payment of the required fee under the *Vital Statistics Act*, any person who has an interest, provides substantially accurate particulars and satisfies the Registrar General as to the reason for requiring it may obtain from the Registrar General a certified copy of a statutory declaration filed under section 12 of this Act as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016* came into force.

Certified copy as evidence

(3) A certified copy obtained under this section that is signed by the Registrar General or Deputy Registrar General, or on which the signature of either is reproduced by any method, is admissible in any court in Ontario as proof, in the absence of evidence to the contrary, of the filing and contents of the statement.

Duties of Registrar General

17.6 Nothing in this Act shall be construed as requiring the Registrar General to amend a registration showing parentage other than in recognition of an order made under this Part and in accordance with the requirements of the *Vital Statistics Act*.

(2) Subsection 17 (1) of the Act, as enacted by subsection 1 (1), is amended by striking out “at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*” at the end and substituting “under subsection 10 (3) or (3.1) of the *Vital Statistics Act* if the child had been born at the time of the declaration”.

la décision d’un mandataire spécial au sens de l’article 9 de la *Loi de 1996 sur le consentement aux soins de santé*.

Confidentialité

17.3 L’article 70 s’applique avec les adaptations nécessaires si une instance comprend une requête visée à la présente partie.

Déclaration du tribunal

17.4 Lorsqu’une ordonnance déclaratoire portant qu’une personne est ou n’est pas parent d’un enfant est rendue en vertu de la présente partie, le greffier du tribunal dépose auprès du registraire général de l’état civil une déclaration relative à l’ordonnance, rédigée selon la formule fournie par le ministère du Procureur général.

Copies certifiées conformes de documents déposés auprès du registraire général

Déclaration du tribunal

17.5 (1) Sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l’état civil*, quiconque peut obtenir du registraire général de l’état civil une copie certifiée conforme d’une déclaration déposée en application de l’article 17.4.

Déclaration solennelle de filiation

(2) Quiconque y a un intérêt fournit des détails suffisamment précis et convainc le registraire général de l’état civil du bien-fondé de sa demande peut, sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l’état civil*, obtenir de ce dernier une copie certifiée conforme de la déclaration solennelle déposée en vertu de l’article 12 de la présente loi, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Admissibilité en preuve des copies certifiées conformes

(3) La copie certifiée conforme obtenue en vertu du présent article, qui est signée par le registraire général de l’état civil ou le registraire général adjoint de l’état civil ou qui porte la signature de l’un ou de l’autre reproduite d’une façon quelconque, est admissible en preuve devant un tribunal de l’Ontario et constitue la preuve, en l’absence de preuve contraire, du dépôt de la déclaration et de son contenu.

Obligations du registraire général de l’état civil

17.6 La présente loi n’a pas pour effet d’obliger le registraire général de l’état civil à modifier un enregistrement indiquant une filiation si ce n’est en conformité avec une ordonnance rendue en vertu de la présente partie et conformément aux exigences de la *Loi sur les statistiques de l’état civil*.

(2) Le paragraphe 17 (1) de la Loi, tel qu’il est édicté par le paragraphe 1 (1), est modifié par remplacement de «à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l’état civil*» par «en vertu du paragraphe 10 (3) ou (3.1) de la *Loi sur les statistiques de l’état civil* s’il était déjà né au moment de la déclaration» à la fin du paragraphe.

2. (1) Subsection 20 (1) of the Act is repealed and the following substituted:

Entitlement to custody

(1) Except as otherwise provided in this Part, a child's parents are equally entitled to custody of the child.

(2) The French version of subsections 20 (2) and (3) of the Act is amended by striking out “d'un père ou d'une mère” wherever it appears and substituting in each case “d'un parent”.

(3) The French version of subsection 20 (4) of the Act is amended by striking out “son père ou sa mère” and substituting “l'un d'eux”.

(4) The French version of subsection 20 (5) of the Act is amended by striking out “de père ou de mère” and substituting “de parent”.

3. The French version of subsection 21 (1) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

4. The French version of the following provisions of the Act is amended by striking out “ni le père ni la mère” wherever it appears and substituting in each case “pas un parent”:

1. Subsection 21.1 (1).

2. Subsection 21.2 (2).

5. (1) The French version of subsections 21.3 (1) and (2) of the Act is repealed and the following substituted:

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) The French version of clause 21.3 (7) (c) of the Act is amended by striking out “qui n'est ni le père ni la mère de l'enfant” and substituting “qui n'est pas parent de l'enfant”.

6. (1) The French version of clause 22 (2) (a) of the Act is amended by striking out “son père et sa mère” and substituting “ses parents”.

(2) The French version of clause 22 (2) (b) of the

2. (1) Le paragraphe 20 (1) de la Loi est abrogé et remplacé par ce qui suit :

Droit de garde

(1) Sauf disposition contraire de la présente partie, les parents d'un enfant jouissent d'un droit de garde égal à l'égard de l'enfant.

(2) La version française des paragraphes 20 (2) et (3) de la Loi est modifiée par remplacement de «d'un père ou d'une mère» par «d'un parent» partout où figurent ces mots.

(3) La version française du paragraphe 20 (4) de la Loi est modifiée par remplacement de «son père ou sa mère» par «l'un d'eux».

(4) La version française du paragraphe 20 (5) de la Loi est modifiée par remplacement de «de père ou de mère» par «de parent».

3. La version française du paragraphe 21 (1) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

4. La version française des dispositions suivantes de la Loi est modifiée par remplacement de «ni le père ni la mère» par «pas un parent» partout où figurent ces mots :

1. Le paragraphe 21.1 (1).

2. Le paragraphe 21.2 (2).

5. (1) La version française des paragraphes 21.3 (1) et (2) de la Loi est abrogée et remplacée par ce qui suit :

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) La version française de l'alinéa 21.3 (7) c) de la Loi est modifiée par remplacement de «qui n'est ni le père ni la mère de l'enfant» par «qui n'est pas parent de l'enfant».

6. (1) La version française de l'alinéa 22 (2) a) de la Loi est modifiée par remplacement de «son père et sa mère» par «ses parents».

(2) La version française de l'alinéa 22 (2) b) de la

Act is amended by striking out “son père ou sa mère” and substituting “l’un d’eux”.

(3) The French version of clause 22 (2) (c) of the Act is amended by striking out “n’est ni son père, ni sa mère” and substituting “est autre qu’un parent”.

7. (1) Clause 24 (2) (h) of the Act is repealed and the following substituted:

(h) any familial relationship between the child and each person who is a party to the application.

(2) The French version of the following provisions of the Act is amended by striking out “que père ou mère” wherever it appears and substituting in each case “que parent”:

1. Clause 24 (2) (g).

2. Clause 24 (3) (b).

3. Subsection 24 (4), in the portion before clause (a).

(3) The French version of clause 24 (4) (b) of the Act is amended by striking out “le père ou la mère” and substituting “un parent”.

8. The French version of subsection 47 (1) of the Act is amended by striking out “du père ou de la mère” and substituting “d’un parent”.

9. (1) The French version of subsection 48 (1) of the Act is amended by striking out “le père et la mère” and substituting “les parents”.

(2) The French version of subsection 48 (2) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

10. (1) The French version of clause 51 (1) (b) of the Act is amended by striking out “le père ou la mère” and substituting “le parent”.

(2) The French version of subsection 51 (3) of the Act is repealed and the following substituted:

Reçu ou quittance

(3) Le reçu ou la quittance pour de l’argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l’enfant, le parent chez qui l’enfant habite ou la personne qui a la garde légitime de l’enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l’enfant.

(3) The French version of subsection 51 (4) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Un parent”.

11. The French version of subsection 55 (2) of the Act is repealed and the following substituted:

Cas où le cautionnement n’est pas nécessaire

(2) Le paragraphe (1) ne s’applique pas si le tribunal nomme comme tuteur aux biens d’un enfant un parent de l’enfant et qu’il est d’avis qu’il est approprié de ne pas exiger du parent le dépôt d’un cautionnement.

12. The French version of subsection 59 (1) of the

Loi est modifiée par remplacement de «son père ou sa mère» par «l’un d’eux».

(3) La version française de l’alinéa 22 (2) c) de la Loi est modifiée par remplacement de «n’est ni son père, ni sa mère» par «est autre qu’un parent».

7. (1) L’alinéa 24 (2) h) de la Loi est abrogé et remplacé par ce qui suit :

h) les éventuels liens familiaux entre l’enfant et chaque personne qui est partie à la requête.

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «que père ou mère» par «que parent» partout où figurent ces mots :

1. L’alinéa 24 (2) g).

2. L’alinéa 24 (3) b).

3. Le paragraphe 24 (4), dans le passage qui précède l’alinéa a).

(3) La version française de l’alinéa 24 (4) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

8. La version française du paragraphe 47 (1) de la Loi est modifiée par remplacement de «du père ou de la mère» par «d’un parent».

9. (1) La version française du paragraphe 48 (1) de la Loi est modifiée par remplacement de «le père et la mère» par «les parents».

(2) La version française du paragraphe 48 (2) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

10. (1) La version française de l’alinéa 51 (1) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «le parent».

(2) La version française du paragraphe 51 (3) de la Loi est abrogée et remplacée par ce qui suit :

Reçu ou quittance

(3) Le reçu ou la quittance pour de l’argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l’enfant, le parent chez qui l’enfant habite ou la personne qui a la garde légitime de l’enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l’enfant.

(3) La version française du paragraphe 51 (4) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Un parent» au début du paragraphe.

11. La version française du paragraphe 55 (2) de la Loi est abrogée et remplacée par ce qui suit :

Cas où le cautionnement n’est pas nécessaire

(2) Le paragraphe (1) ne s’applique pas si le tribunal nomme comme tuteur aux biens d’un enfant un parent de l’enfant et qu’il est d’avis qu’il est approprié de ne pas exiger du parent le dépôt d’un cautionnement.

12. La version française du paragraphe 59 (1) de la

Act is amended by striking out “du père ou de la mère” in the portion before clause (a) and substituting “d’un parent”.

13. The French version of subsection 61 (3) of the Act is amended by striking out “La mère ou le père célibataire” at the beginning and substituting “Le parent célibataire”.

14. Clause 62 (3) (a) of the Act is repealed and the following substituted:

(a) the child’s parents;

15. The French version of subsection 63 (1) of the Act is amended by striking out “qui est le père ou la mère d’un enfant” and substituting “qui est parent d’un enfant”.

VITAL STATISTICS ACT

16. (1) The definition of “birth” in section 1 of the *Vital Statistics Act* is repealed and the following substituted:

“birth” means the complete expulsion or extraction from a person of a fetus that did at any time after being completely expelled or extracted from the person breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached; (“naissance”)

(2) The French version of the definition of “birth parent” in section 1 of the Act is repealed and the following substituted:

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l’enregistrement initial, le cas échéant, de la naissance de la personne adoptée et toute autre personne prescrite. («birth parent»)

(3) The definition of “still-birth” in section 1 of the Act is amended by striking out “from its mother” and substituting “from a person”.

17. (1) Subsection 9 (1) of the Act is repealed and the following substituted:

Certification of birth

(1) The parents of a child born in Ontario, or one of them in such circumstances as may be prescribed, or such other person as may be prescribed, shall certify the child’s birth in the manner, including providing such information and documentation as may be prescribed, within the time and to the person prescribed by the regulations.

(2) Subsection 9 (7) of the Act is repealed and the following substituted:

Same

(7) On receiving a certified copy of a declaratory order under Part I of the *Children’s Law Reform Act* respecting the parentage of a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child’s parents shown on the registration, in accordance with the order.

Loi est modifiée par remplacement de «du père ou de la mère» par «d’un parent» dans le passage qui précède l’alinéa a).

13. La version française du paragraphe 61 (3) de la Loi est modifiée par remplacement de «La mère ou le père célibataire» par «Le parent célibataire» au début du paragraphe.

14. L’alinéa 62 (3) a) de la Loi est abrogé et remplacé par ce qui suit :

a) les parents de l’enfant;

15. La version française du paragraphe 63 (1) de la Loi est modifiée par remplacement de «qui est le père ou la mère d’un enfant» par «qui est parent d’un enfant».

LOI SUR LES STATISTIQUES DE L’ÉTAT CIVIL

16. (1) La définition de «naissance» à l’article 1 de la *Loi sur les statistiques de l’état civil* est abrogée et remplacée par ce qui suit :

«naissance» Expulsion ou extraction complète du corps d’une personne, d’un foetus qui, après cette expulsion ou extraction, respirait ou donnait un autre signe de vie, que le cordon ombilical ait été coupé ou non, ou que le placenta soit resté attaché ou non. («birth»)

(2) La version française de la définition de «père ou mère de sang» à l’article 1 de la Loi est abrogée et remplacée par ce qui suit :

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l’enregistrement initial, le cas échéant, de la naissance de la personne adoptée et toute autre personne prescrite. («birth parent»)

(3) La définition de «mortinaissance» à l’article 1 de la Loi est modifiée par remplacement de «de la mère» par «d’une personne».

17. (1) Le paragraphe 9 (1) de la Loi est abrogé et remplacé par ce qui suit :

Certificat de naissance

(1) Les parents d’un enfant né en Ontario, ou l’un d’eux dans les circonstances prescrites, ou toute autre personne prescrite certifient la naissance de l’enfant de la manière prescrite par les règlements, notamment en fournissant les renseignements et la documentation prescrits, dans les délais et à la personne que prescrivent les règlements.

(2) Le paragraphe 9 (7) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(7) Sur réception d’une copie certifiée conforme d’une ordonnance déclaratoire rendue en vertu de la partie I de la *Loi portant réforme du droit de l’enfance* à l’égard de la filiation d’un enfant dont la naissance a été enregistrée en Ontario, le registraire général de l’état civil modifie les détails sur les parents de l’enfant qui figurent sur l’enregistrement, conformément à l’ordonnance.

(3) Subsection 9 (8) of the Act is amended by striking out “section 6.1” and substituting “section 17”.

18. (1) The French version of paragraph 1 of subsection 10 (3) of the Act is repealed and the following substituted:

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Subsection (1) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(3) The French version of paragraph 1 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by striking out “le père et la mère” and substituting “les deux parents”.

(4) The French version of paragraph 2 of subsection 10 (3) of the Act is repealed and the following substituted:

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) The French version of paragraph 3 of subsection 10 (3) of the Act is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Subsection (5) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(7) The French version of paragraph 3 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of

(3) Le paragraphe 9 (8) de la Loi est modifié par remplacement de «l'article 6.1» par «l'article 17».

18. (1) La version française de la disposition 1 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Le paragraphe (1) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

(3) La version française de la disposition 1 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifiée par remplacement de «le père et la mère» par «les deux parents».

(4) La version française de la disposition 2 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) La version française de la disposition 3 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Le paragraphe (5) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

(7) La version française de la disposition 3 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le

Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) The French version of paragraph 5 of subsection 10 (3) of the Act is repealed and the following substituted:

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) Section 10 of the Act is amended by adding the following subsection:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child the surname or former surname of any of the certifying parents, or a surname consisting of the surname or former surname of each certifying parent, hyphenated or combined.
2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined.
3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certi-

paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) La version française de la disposition 5 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) L'article 10 de la Loi est modifié par adjonction du paragraphe suivant :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents certificateurs, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent certificateur, unis par un trait d'union ou accolés.
2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés.
3. Si au moins deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de

fying parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

4. If a person who is not the child's parent certifies the child's birth, the child shall be given a surname consisting of each of the parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

(10) Subsection 10 (3.1) of the Act, as enacted by subsection (9), is repealed and the following substituted:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child a surname chosen by them.
2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child a surname chosen by them, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may determine the child's surname.
3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certifying parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.
4. If a person who is not the child's parent certifies the child's birth, the child shall be given the surname of the person who gave birth to the child.

(11) Clause 10 (5) (a) of the Act, as re-enacted by subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

- (a) the child's parents, if they each certify the child's birth and agree on the name; or

19. Section 13 of the Act is repealed.

20. Section 14 of the Act is repealed.

21. (1) The Act is amended by adding the following section:

famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

(10) Le paragraphe 10 (3.1) de la Loi, tel qu'il est édicté par le paragraphe (9), est abrogé et remplacé par ce qui suit :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent.
2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut choisir le nom de famille de l'enfant.
3. Si au moins deux parents certifient la naissance de l'enfant mais qu'ils ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.
4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit le nom de famille de la personne qui lui a donné naissance.

(11) L'alinéa 10 (5) a) de la Loi, tel qu'il est réédité par le paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

- a) soit par les parents de l'enfant, si chacun d'eux certifie la naissance de l'enfant et qu'ils s'entendent sur le nom;

19. L'article 13 de la Loi est abrogé.

20. L'article 14 de la Loi est abrogé.

21. (1) La Loi est modifiée par adjonction de l'article suivant :

Transition, election to change name of child under 12

14.1 (1) The references in this section to section 14 are to that section as it read immediately before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

Same

(2) If a person making an election under subsection 14 (1) has submitted the election to the Registrar General on or before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force, whether or not the person is required to give a notice under subsection 14 (3), then, despite that section 20, section 14 of this Act continues to apply to the person and the Registrar General.

(2) Section 14.1 of the Act is repealed.

22. Subsection 15 (1) of the Act is amended by adding “under subsection 10 (2) or a predecessor of that subsection or under a predecessor of this Act” after “forename” in the portion before clause (a).

23. Section 17 of the Act is repealed.

24. (1) Subsection 31 (1) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Person born in Ontario, name changed outside of Ontario

(1) If the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, the Registrar General shall note the change on the person's birth registration if,

- (a) the Registrar General receives the prescribed evidence that satisfies the Registrar General that the name of the person has so changed; and
- (b) the following conditions are met if an applicant has requested the Registrar General to note the change on the birth registration:
 - (i) the Registrar General receives evidence that satisfies the Registrar General as to the identity of the person and receives all prescribed documents that are in the person's possession, and
 - (ii) the applicant pays the required fee, if any.

Return of documents

(1.1) If the Registrar General has noted a change on a

Disposition transitoire : décision de changer le nom d'un enfant âgé de moins de 12 ans

14.1 (1) Les mentions, au présent article, de l'article 14 valent mention de cet article dans sa version antérieure au jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Idem

(2) Si la personne qui prend une décision en vertu du paragraphe 14 (1) a transmis sa décision au registraire général de l'état civil au plus tard le jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*, que la personne soit tenue ou non de donner un avis en application du paragraphe 14 (3), l'article 14 de la présente loi continue de s'appliquer à la personne et au registraire général de l'état civil, et ce malgré l'article 20.

(2) L'article 14.1 de la Loi est abrogé.

22. Le paragraphe 15 (1) de la Loi est modifié par insertion de «par application du paragraphe 10 (2) ou d'un paragraphe qu'il remplace ou par application d'une loi que la présente loi remplace» après «prénom» dans le passage qui précède l'alinéa a).

23. L'article 17 de la Loi est abrogé.

24. (1) Le paragraphe 31 (1) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Personne née en Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de la personne si les conditions suivantes sont réunies :

- a) le registraire général de l'état civil reçoit la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé;
- b) si un auteur de demande a demandé au registraire général de l'état civil de noter le changement sur l'enregistrement de la naissance, il est satisfait aux conditions suivantes :
 - (i) le registraire général de l'état civil reçoit une preuve qui le convainc de l'identité de la personne ainsi que tous les documents prescrits qui se trouvent en la possession de celle-ci,
 - (ii) l'auteur de la demande acquitte les droits exigés, le cas échéant.

Remise de documents

(1.1) S'il a noté un changement sur l'enregistrement de

person's birth registration under subsection (1) and no applicant requested that it be done, the Registrar General may request the person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.

(2) Subsection 31 (3) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(3) Subsection 31 (7) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" and substituting "a parent".

(4) Subsections 31 (8) and (9) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(8) A person who requests the notation of a change on the person's marriage registration under subsection (2) shall submit, with the request, all the prescribed documents that are in the person's possession.

Same, for child's birth registration

(8.1) A person who requests the notation of a change on a child's birth registration under subsection (3) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(9) A child who requests the notation of a change on the child's birth registration under subsection (7) shall,

- (a) collect from the person on whose birth registration the Registrar General noted a change of name under subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(5) Section 31 of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by adding the following subsections:

la naissance d'une personne en application du paragraphe (1) alors que nul n'en a fait la demande, le registraire général de l'état civil peut demander à la personne de présenter tous les documents prescrits qui se trouvent en la possession de celle-ci et la personne doit obtempérer.

(2) Le paragraphe 31 (3) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(3) Le paragraphe 31 (7) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent».

(4) Les paragraphes 31 (8) et (9) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(8) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de son mariage en application du paragraphe (2) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d'un enfant

(8.1) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (3) fait ce qui suit :

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(9) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (7) fait ce qui suit :

- a) il obtient de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour noter un changement de nom en application du paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(5) L'article 31 de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents to provide

(13) If the Registrar General notes an annulment of a change of name of a person under subsection (12), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession;
- (b) the applicant under subsection (1) submit to the Registrar General all of the prescribed documents that are in the applicant's possession if the applicant is not the person; and
- (c) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(14) A person who receives a request under subsection (13) shall comply with it.

25. (1) Subsection 31.1 (1) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Person born outside of Ontario, name changed outside of Ontario

(1) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, if the person is married and if there is a registration of that marriage in Ontario, the Registrar General shall note the change on that marriage registration if,

- (a) the person so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession.

(2) Subsection 31.1 (2) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Birth registration of child

(2) If the name of a person born outside of Ontario has

Documents à fournir

(13) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (12), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) l'auteur de la demande visé au paragraphe (1) présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession, si l'auteur de la demande n'est pas la personne;
- c) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(14) La personne qui reçoit une demande présentée en vertu du paragraphe (13) y obtempère.

25. (1) Le paragraphe 31.1 (1) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Personne née à l'extérieur de l'Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est mariée et que ce mariage a fait l'objet d'un enregistrement en Ontario, le registraire général de l'état civil note le changement sur cet enregistrement de mariage si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne.

(2) Le paragraphe 31.1 (2) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Enregistrement de la naissance d'un enfant

(2) Si le nom d'une personne née à l'extérieur de

been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state and if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General shall note the change on the child's birth registration if,

- (a) the person so requests and pays the required fee, if any;
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession; and
- (c) subject to subsections (3), (4) and (5), the child consents, if the child is at least 16 years of age at the time of the request.

(3) Subsection 31.1 (2) of the Act, as re-enacted by subsection (2), is amended by striking out “the mother, father or other parent” in the portion before clause (a) and substituting “a parent”.

(4) Subsection 31.1 (6) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Request by child

(6) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario and if the child is at least 16 years of age, the Registrar General shall note the change on the child's birth registration if,

- (a) the child so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the child's possession.

(5) Subsection 31.1 (6) of the Act, as re-enacted by subsection (4), is amended by striking out “the mother,

l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, et que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne;
- c) sous réserve des paragraphes (3), (4) et (5), l'enfant consent au changement, s'il est âgé d'au moins 16 ans au moment où la demande est présentée.

(3) Le paragraphe 31.1 (2) de la Loi, tel qu'il est réédité par le paragraphe (2), est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(4) Le paragraphe 31.1 (6) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Demande de l'enfant

(6) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario et que l'enfant est âgé d'au moins 16 ans, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) l'enfant en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de l'enfant.

(5) Le paragraphe 31.1 (6) de la Loi, tel qu'il est réédité par le paragraphe (4), est modifié par rem-

father or other parent” in the portion before clause (a) and substituting “a parent”.

(6) Subsections 31.1 (7) and (8) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, are repealed and the following substituted:

Documents to provide

(7) A person who requests the notation of a change on a child's birth registration under subsection (2) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(8) A child who requests the notation of a change on the child's birth registration under subsection (6) shall,

- (a) collect from the person whose name has been changed as described in subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(7) Section 31.1 of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by adding the following subsections:

Documents to provide

(10) If the Registrar General notes an annulment of a change of name of a person under subsection (9), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession; and
- (b) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(11) A person who receives a request under subsection (10) shall comply with it.

26. The French version of clause 44 (3) (b) of the Act is amended by striking out “le père ou la mère” and substituting “un parent”.

placement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(6) Les paragraphes 31.1 (7) et (8) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(7) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (2) fait ce qui suit :

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(8) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (6) fait ce qui suit :

- a) il obtient de la personne dont le nom a été changé conformément au paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(7) L'article 31.1 de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents à fournir

(10) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (9), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(11) La personne qui reçoit une demande présentée en vertu du paragraphe (10) y obtempère.

26. La version française de l'alinéa 44 (3) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

27. (1) The French version of subsections 48.1 (5), (6) and (7) of the Act is repealed and the following substituted:

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) The French version of subsection 48.1 (8) of the Act is amended by striking out "le père ou la mère de sang ou les deux" and substituting "l'un ou l'autre des parents de naissance ou les deux".

(3) The French version of subsection 48.1 (9) of the Act is amended by striking out "S'il y a uniquement soit un père soit une mère de sang et qu'un veto sur la divulgation présenté par ce père ou cette mère de sang" at the beginning and substituting "S'il y a uniquement un parent de naissance et qu'un veto sur la divulgation présenté par celui-ci".

(4) The French version of subsection 48.1 (10) of the Act is amended by striking out "S'il y a à la fois un père et une mère de sang" at the beginning and substituting "S'il y a deux parents de naissance".

(5) The French version of subsection 48.1 (11) of the Act is amended by,

- (a) striking out "S'il y a à la fois un père et une mère de sang" at the beginning and substituting "S'il y a deux parents de naissance";

27. (1) La version française des paragraphes 48.1 (5), (6) et (7) de la Loi est abrogée et remplacée par ce qui suit :

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) La version française du paragraphe 48.1 (8) de la Loi est modifiée par remplacement de «le père ou la mère de sang ou les deux» par «l'un ou l'autre des parents de naissance ou les deux».

(3) La version française du paragraphe 48.1 (9) de la Loi est modifiée par remplacement de «S'il y a uniquement soit un père soit une mère de sang et qu'un veto sur la divulgation présenté par ce père ou cette mère de sang» par «S'il y a uniquement un parent de naissance et qu'un veto sur la divulgation présenté par celui-ci» au début du paragraphe.

(4) La version française du paragraphe 48.1 (10) de la Loi est modifiée par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.1 (11) de la Loi est modifiée :

- a) par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe;

(b) striking out “le père ou la mère de sang” and substituting “le parent de naissance”.

28. (1) The French version of subsection 48.2 (1) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(2) The French version of subsection 48.2 (2) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Le parent de naissance”.

(3) The French version of clauses 48.2 (7) (a) and (b) of the Act is repealed and the following substituted:

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l'égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu'il a effet uniquement à l'égard d'un parent de naissance.

29. (1) The French version of subsection 48.3 (1) of the Act is amended by striking out “son père ou sa mère de sang” and substituting “un parent de naissance”.

(2) The French version of subsection 48.3 (4) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d'un parent de naissance”.

30. (1) The French version of subsection 48.4 (1) of the Act is amended by striking out “son père ou sa mère de sang” at the end and substituting “un parent de naissance”.

(2) The French version of subsection 48.4 (6) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d'un parent de naissance”.

31. (1) The French version of subsection 48.5 (1) of the Act is amended by striking out “au père et à la mère de sang” and substituting “aux parents de naissance”.

(2) The French version of subsection 48.5 (2) of the Act is amended by striking out “à son père ou à sa mère de sang” at the end and substituting “à un parent de naissance”.

(3) The French version of subsection 48.5 (3) of the Act is amended by striking out “S'il y a à la fois un père et une mère de sang” at the beginning and substituting “S'il y a deux parents de naissance”.

(4) The French version of subsection 48.5 (5) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(5) The French version of subsection 48.5 (9) of the Act is amended by striking out “de son père ou de sa mère de sang ou de chacun d'eux n'entre pas en vi-

b) par remplacement de «le père ou la mère de sang» par «le parent de naissance».

28. (1) La version française du paragraphe 48.2 (1) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(2) La version française du paragraphe 48.2 (2) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Le parent de naissance» au début du paragraphe.

(3) La version française des alinéas 48.2 (7) a) et b) de la Loi est abrogée et remplacée par ce qui suit :

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l'égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu'il a effet uniquement à l'égard d'un parent de naissance.

29. (1) La version française du paragraphe 48.3 (1) de la Loi est modifiée par remplacement de «son père ou sa mère de sang» par «un parent de naissance».

(2) La version française du paragraphe 48.3 (4) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance».

30. (1) La version française du paragraphe 48.4 (1) de la Loi est modifiée par remplacement de «son père ou sa mère de sang» par «un parent de naissance» à la fin du paragraphe.

(2) La version française du paragraphe 48.4 (6) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance».

31. (1) La version française du paragraphe 48.5 (1) de la Loi est modifiée par remplacement de «au père et à la mère de sang» par «aux parents de naissance».

(2) La version française du paragraphe 48.5 (2) de la Loi est modifiée par remplacement de «à son père ou à sa mère de sang» par «à un parent de naissance» à la fin du paragraphe.

(3) La version française du paragraphe 48.5 (3) de la Loi est modifiée par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe.

(4) La version française du paragraphe 48.5 (5) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.5 (9) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang ou de chacun d'eux n'entre pas

gueur à l'égard du père ou de la mère de sang" and substituting "d'un des parents de naissance ou des deux n'entre pas en vigueur à l'égard du parent de naissance".

32. (1) The French version of subsection 56.1 (1) of the Act is amended by,

(a) striking out "que son père ou sa mère de sang" and substituting "qu'un parent de naissance"; and

(b) striking out "ou celle-ci".

(2) The French version of subsection 56.1 (2) of the Act is amended by,

(a) striking out "il ou elle" and substituting "un parent de naissance"; and

(b) striking out "le père ou la mère de sang de celle-ci" and substituting "ce parent de naissance".

(3) The French version of subsection 56.1 (4) of the Act is amended by,

(a) striking out "de son père ou de sa mère de sang" and substituting "d'un parent de naissance"; and

(b) striking out "ou à celle-ci".

33. (1) Clause 60 (1) (i.2) of the Act is amended by striking out "subsection 10 (5), sections 19, 21 and 22 and subsection 26 (1)" and substituting "subsection 10 (4), sections 19, 21 and 22 and subsections 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) and (13) and 31.1 (1), (2), (6), (7), (8), (9) and (10)".

(2) The French version of clause 60 (1) (r) of the Act is amended by striking out "père ou mère de sang" and substituting "parent de naissance".

(3) The French version of clause 60 (1) (r.2) of the Act is repealed and the following substituted:

r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) Clause 60 (1) (t) of the Act is repealed.

34. (1) The French version of the following provisions of the Act is amended by striking out "un père ou une mère de sang" wherever it appears and substituting in each case "un parent de naissance":

1. Subsection 48.1 (4).

2. Subsections 48.3 (2) and (5).

3. Subsections 48.4 (3) and (7).

4. Subsections 48.5 (10) and (13).

5. Subsection 56.1 (3).

6. Clause 60 (1) (r.1).

en vigueur à l'égard du père ou de la mère de sang» par «d'un des parents de naissance ou des deux n'entre pas en vigueur à l'égard du parent de naissance».

32. (1) La version française du paragraphe 56.1 (1) de la Loi est modifiée :

a) par remplacement de «que son père ou sa mère de sang» par «qu'un parent de naissance»;

b) par suppression de «ou celle-ci».

(2) La version française du paragraphe 56.1 (2) de la Loi est modifiée :

a) par remplacement de «il ou elle» par «un parent de naissance»;

b) par remplacement de «le père ou la mère de sang de celle-ci» par «ce parent de naissance».

(3) La version française du paragraphe 56.1 (4) de la Loi est modifiée :

a) par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance»;

b) par suppression de «ou à celle-ci».

33. (1) L'alinéa 60 (1) i.2) de la Loi est modifié par remplacement de «au paragraphe 10 (5), aux articles 19, 21 et 22 et au paragraphe 26 (1)» par «au paragraphe 10 (4), aux articles 19, 21 et 22 et aux paragraphes 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) et (13) et 31.1 (1), (2), (6), (7), (8), (9) et (10)».

(2) La version française de l'alinéa 60 (1) r) de la Loi est modifiée par remplacement de «père ou mère de sang» par «parent de naissance».

(3) La version française de l'alinéa 60 (1) r.2) de la Loi est abrogée et remplacée par ce qui suit :

r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) L'alinéa 60 (1) t) de la Loi est abrogé.

34. (1) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «un père ou une mère de sang» par «un parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.1 (4).

2. Les paragraphes 48.3 (2) et (5).

3. Les paragraphes 48.4 (3) et (7).

4. Les paragraphes 48.5 (10) et (13).

5. Le paragraphe 56.1 (3).

6. L'alinéa 60 (1) r.1).

(2) The French version of the following provisions of the Act is amended by striking out “le père ou la mère de sang” wherever it appears and substituting in each case “le parent de naissance”:

1. Subsection 48.3 (6).
2. Subsection 48.4 (8).
3. Subsections 48.5 (6) and (11).

COMPLEMENTARY AMENDMENTS TO OTHER ACTS

Anatomy Act

35. The French version of the following provisions of the *Anatomy Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 3 (1) (a).
2. Subsection 3 (3).

Business Corporations Act

36. (1) The French version of clauses (d) and (e) of the definition of “associate” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

(2) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

Change of Name Act

37. (1) Subsection 5 (2.1) of the *Change of Name Act* is repealed and the following substituted:

Same

(2.1) If a person is declared under section 10, 11 or 13 of the *Children’s Law Reform Act* to be a parent of a child and obtains an order under section 17 of that Act changing the child’s surname, an application under subsection (1) also requires that person’s written consent.

(2) Clause 6 (2) (d) of the Act is amended by striking out “the person’s father and mother” at the end and substituting “the person’s parents”.

(3) Clause 6 (2) (r) of the Act is repealed and the following substituted:

(r) any other information or documents that are prescribed.

(4) Subsection 7 (1.2) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out “the mother, father or other parent” in the portion before clause (a) and substituting “a parent”.

(5) Subsection 7 (1.6) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «le père ou la mère de sang» par «le parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.3 (6).
2. Le paragraphe 48.4 (8).
3. Les paragraphes 48.5 (6) et (11).

MODIFICATIONS COMPLÉMENTAIRES D’AUTRES LOIS

Loi sur l’anatomie

35. La version française des dispositions suivantes de la *Loi sur l’anatomie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L’alinéa 3 (1) a).
2. Le paragraphe 3 (3).

Loi sur les sociétés par actions

36. (1) La version française des alinéas d) et e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les sociétés par actions* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

(2) La version française de l’alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «parent» par «membre de la famille».

Loi sur le changement de nom

37. (1) Le paragraphe 5 (2.1) de la *Loi sur le changement de nom* est abrogé et remplacé par ce qui suit :

Idem

(2.1) Si une personne est déclarée parent d’un enfant en vertu de l’article 10, 11 ou 13 de la *Loi portant réforme du droit de l’enfance* et qu’elle obtient une ordonnance, prévue à l’article 17 de cette loi, changeant le nom de famille de l’enfant, son consentement écrit est également requis pour la présentation d’une demande visée au paragraphe (1).

(2) L’alinéa 6 (2) d) de la Loi est modifié par remplacement de «de son père et de sa mère» par «de ses parents».

(3) L’alinéa 6 (2) r) de la Loi est abrogé et remplacé par ce qui suit :

r) les autres renseignements ou documents prescrits.

(4) Le paragraphe 7 (1.2) de la Loi, tel qu’il est édicté par le paragraphe 6 (1) de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui et demain (mesures budgétaires)*, est modifié par remplacement de «comme la mère, le père ou l’autre parent» par «comme parent» dans le passage qui précède l’alinéa a).

(5) Le paragraphe 7 (1.6) de la Loi, tel qu’il est édicté par le paragraphe 6 (1) de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui*

striking out “the mother, father or other parent” and substituting “a parent”.

(6) Subsections 7 (1.7) and (1.8) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(1.7) An applicant or person who requests the notation of a change on the person's marriage registration under subsection (1.1) shall submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be.

Same, for child's birth registration

(1.7.1) An applicant or person who requests the notation of a change on a child's birth registration under subsection (1.2) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be, and all the prescribed documents that the applicant or person, as the case may be, has collected under clause (a).

Documents for request by child

(1.8) A child who requests the notation of a change on the child's birth registration under subsection (1.6) shall,

- (a) if the Registrar General has registered a change of name of a person under subsection (1), collect from the person all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(7) Clause 13 (g.1) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out “7 (1.7)” and substituting “7 (1.7), (1.7.1)”.

(8) Clause 13 (g.2) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is repealed and the following substituted:

- (g.2) prescribing information or documents for the purposes of clause 6 (2) (r);

Child and Family Services Act

38. (1) The French version of subparagraph 3 iv of subsection 1 (2) of the *Child and Family Services Act* is amended by striking out “de ses parents et des mem-

et demain (mesures budgétaires), est modifié par remplacement de «comme la mère, le père ou l'autre parent» par «comme parent».

(6) Les paragraphes 7 (1.7) et (1.8) de la Loi, tels qu'ils sont édictés par le paragraphe 6 (1) de l'annexe 4 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires), sont abrogés et remplacés par ce qui suit :

Documents à fournir

(1.7) L'auteur de la demande ou la personne qui demande qu'un changement soit noté sur l'enregistrement du mariage de la personne en application du paragraphe (1.1) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d'un enfant

(1.7.1) L'auteur de la demande ou la personne qui demande qu'un changement soit noté sur l'enregistrement de la naissance d'un enfant en application du paragraphe (1.2) fait ce qui suit :

- a) il obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(1.8) L'enfant qui demande qu'un changement soit noté sur l'enregistrement de sa naissance en application du paragraphe (1.6) fait ce qui suit :

- a) si le registraire général de l'état civil a enregistré le changement de nom d'une personne en application du paragraphe (1), l'enfant obtient de la personne tous les documents prescrits qui se trouvent en la possession de celle-ci;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(7) L'alinéa 13 g.1) de la Loi, tel qu'il est édicté par l'article 9 de l'annexe 4 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires), est modifié par remplacement de «7 (1.7)» par «7 (1.7), (1.7.1)».

(8) L'alinéa 13 g.2) de la Loi, tel qu'il est édicté par l'article 9 de l'annexe 4 de la Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires), est abrogé et remplacé par ce qui suit :

- g.2) prescrire des renseignements ou des documents pour l'application de l'alinéa 6 (2) r);

Loi sur les services à l'enfance et à la famille

38. (1) La version française de la sous-disposition 3 iv du paragraphe 1 (2) de la Loi sur les services à l'enfance et à la famille est modifiée par remplacement

bres de sa famille élargie” and substituting “des membres de sa parenté, de sa famille élargie”.

(2) The definition of “extended family” in subsection 3 (1) of the Act is amended by striking out “related by blood, through a spousal relationship or through adoption” and substituting “related, including through a spousal relationship or adoption”.

(3) The definition of “relative” in subsection 3 (1) of the Act is repealed and the following substituted:

“relative” means, with respect to a child, a person who is the child’s grandparent, great-uncle, great-aunt, uncle or aunt, including through a spousal relationship or adoption; (“membre de la parenté”)

(4) Subsection 3 (2) of the Act is repealed and the following substituted:

Interpretation, “parent”

(2) Unless this Act provides otherwise, a reference in this Act to a parent of a child is deemed to be a reference to,

- (a) the person who has lawful custody of the child; or
- (b) if more than one person has lawful custody of the child, all of the persons who have lawful custody of the child, excluding any person who is unavailable or unable to act as the context requires.

— (5) The definition of “parent” in subsection 37 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means, in addition to a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, each of the following persons, but does not include a foster parent:

- 1. An individual who has lawful custody of the child.
- 2. An individual who, during the 12 months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support.
- 3. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
- 4. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children’s Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force; (“père ou mère”)

de «de ses parents et des membres de sa famille élargie» par «des membres de sa parenté, de sa famille élargie».

(2) La définition de «famille élargie» au paragraphe 3 (1) de la Loi est modifiée par remplacement de «lié par le sang, une union conjugale ou l’adoption» par «lié, notamment par une union conjugale ou l’adoption».

(3) La définition de «parent» au paragraphe 3 (1) de la Loi est abrogée et remplacée par ce qui suit :

«membre de la parenté» Relativement à un enfant, s’entend d’une personne qui est son grand-père, sa grand-mère, son grand-oncle, sa grand-tante, son oncle ou sa tante, notamment par une union conjugale ou l’adoption. («relative»)

(4) Le paragraphe 3 (2) de la Loi est abrogé et remplacé par ce qui suit :

Interprétation, «père ou mère»

(2) Sauf disposition contraire de la présente loi, la mention dans la présente loi de la mère ou du père d’un enfant est réputée une mention, selon le cas :

- a) de la personne qui a la garde légitime de l’enfant;
- b) si plus d’une personne a la garde légitime de l’enfant, de toutes les personnes qui en ont la garde légitime, à l’exclusion de celle qui n’est pas disponible ou qui est incapable d’agir, selon le contexte.

— (5) La définition de «père ou mère» au paragraphe 37 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend, en plus d’un parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, de chacune des personnes suivantes, à l’exclusion toutefois d’un père ou d’une mère de famille d’accueil :

- 1. La personne qui a la garde légitime de l’enfant.
- 2. La personne qui, au cours des 12 mois avant l’intervention en vertu la présente partie, a manifesté l’intention bien arrêtée de traiter l’enfant comme s’il s’agissait d’un enfant de sa famille ou a reconnu le lien de filiation qui l’unit à l’enfant et a subvenu à ses besoins.
- 3. La personne qui, aux termes d’une entente écrite ou d’une ordonnance d’un tribunal, est tenue de subvenir aux besoins de l’enfant, s’en est vu accorder la garde ou possède un droit de visite.
- 4. La personne qui a reconnu le lien de filiation qui l’unit à l’enfant en déposant une déclaration solennelle en vertu de l’article 12 de la *Loi portant réforme du droit de l’enfance*, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*. («parent»)

(5) The definition of “parent” in subsection 37 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means each of the following persons, but does not include a foster parent:

1. A parent of the child under section 6, 8, 9, 10, 11 or 13 of the *Children’s Law Reform Act*.
2. In the case of a child conceived through sexual intercourse, an individual described in one of paragraphs 1 to 5 of subsection 7 (2) of the *Children’s Law Reform Act*, unless it is proved on a balance of probabilities that the sperm used to conceive the child did not come from the individual.
3. An individual who has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.
4. In the case of an adopted child, a parent of the child as provided for under section 158 or 159.
5. An individual who has lawful custody of the child.
6. An individual who, during the 12 months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support.
7. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
8. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children’s Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force; (“père ou mère”)

(6) The French version of the definition of “birth parent” in subsection 136 (1) of the Act is amended by striking out “de sang” and substituting “de naissance”.

(7) The French version of the definition of “birth relative” in subsection 136 (1) of the Act is repealed and the following substituted:

«membre de la parenté de naissance» S’entend :

- a) relativement à un enfant qui n’a pas été adopté, d’un membre de la parenté de l’enfant;
- b) relativement à un enfant qui a été adopté, d’une personne qui aurait été un membre de la parenté de l’enfant s’il n’avait pas été adopté. («birth relative»)

(5) La définition de «père ou mère» au paragraphe 37 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend de chacune des personnes suivantes, à l’exclusion toutefois d’un père ou d’une mère de famille d’accueil :

1. Un parent de l’enfant, aux termes de l’article 6, 8, 9, 10, 11 ou 13 de la *Loi portant réforme du droit de l’enfance*.
2. Dans le cas d’un enfant conçu par relation sexuelle, tout particulier visé à l’une des dispositions 1 à 5 du paragraphe 7 (2) de la *Loi portant réforme du droit de l’enfance*, à moins qu’il ne soit prouvé par la prépondérance des probabilités que le sperme utilisé pour concevoir l’enfant ne provenait pas du particulier.
3. Le particulier dont le statut en tant que parent de l’enfant a été établi ou reconnu par un tribunal compétent hors de l’Ontario.
4. Dans le cas d’un enfant adopté, le père ou la mère de l’enfant comme le prévoit l’article 158 ou 159.
5. Le particulier qui a la garde légitime de l’enfant.
6. Le particulier qui, au cours des 12 mois qui ont précédé l’intervention en vertu de la présente partie, a manifesté l’intention bien arrêtée de traiter l’enfant comme s’il s’agissait d’un enfant de sa famille ou a reconnu le lien de filiation qui l’unit à l’enfant et a subvenu à ses besoins.
7. Le particulier qui, aux termes d’une entente écrite ou d’une ordonnance d’un tribunal, est tenu de subvenir aux besoins de l’enfant, s’en est vu accorder la garde ou possède un droit de visite.
8. Le particulier qui a reconnu le lien de filiation qui l’unit à l’enfant en déposant une déclaration solennelle en vertu de l’article 12 de la *Loi portant réforme du droit de l’enfance*, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*. («parent»)

(6) La version française de la définition de «père ou mère de sang» au paragraphe 136 (1) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(7) La version française de la définition de «parent de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«membre de la parenté de naissance» S’entend :

- a) relativement à un enfant qui n’a pas été adopté, d’un membre de la parenté de l’enfant;
- b) relativement à un enfant qui a été adopté, d’une personne qui aurait été un membre de la parenté de l’enfant s’il n’avait pas été adopté. («birth relative»)

(8) The French version of the definition of “birth sibling” in subsection 136 (1) of the Act is repealed and the following substituted:

«frère ou soeur de naissance» Relativement à une personne, s'entend d'un enfant qui a le même père ou la même mère de naissance que cette personne. S'entend également de l'enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l'intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(9) The French version of clause (a) of the definition of “openness order” in subsection 136 (1) of the Act is repealed and the following substituted:

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) Paragraph 6 of subsection 136 (2) of the Act is amended by striking out “by blood” and substituting “by birth”.

—(11) The definition of “parent” in subsection 137 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means, in addition to a parent of the child as set out in section 4 of the *Children's Law Reform Act*, each of the following persons, but does not include a licensee or a foster parent:

- 1. An individual who has lawful custody of the child.
- 2. An individual who, during the 12 months before the child is placed for adoption under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child's support.
- 3. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
- 4. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children's Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

(11) The definition of “parent” in subsection 137 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means each of the following persons, but does not include a licensee or a foster parent:

(8) La version française de la définition de «frère ou soeur de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«frère ou soeur de naissance» Relativement à une personne, s'entend d'un enfant qui a le même père ou la même mère de naissance que cette personne. S'entend également de l'enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l'intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(9) La version française de l'alinéa a) de la définition de «ordonnance de communication» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) La disposition 6 du paragraphe 136 (2) de la Loi est modifiée par remplacement de «par le sang» par «par la naissance».

—(11) La définition de «père ou mère» au paragraphe 137 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s'entend, en plus d'un parent de l'enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance*, de chacune des personnes suivantes, à l'exclusion toutefois d'un titulaire de permis ou d'un père ou d'une mère de famille d'accueil :

- 1. La personne qui a la garde légitime de l'enfant.
- 2. La personne qui, au cours des 12 mois qui ont précédé le placement de l'enfant en vue de son adoption en vertu la présente partie, a manifesté l'intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un enfant de sa famille ou a reconnu le lien de filiation qui l'unit à l'enfant et a subvenu à ses besoins.
- 3. La personne qui, aux termes d'une entente écrite ou d'une ordonnance d'un tribunal, est tenue de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite.
- 4. La personne qui a reconnu le lien de filiation qui l'unit à l'enfant en déposant une déclaration solennelle en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, dans sa version antérieure au jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

(11) La définition de «père ou mère» au paragraphe 137 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s'entend de chacune des personnes suivantes, à l'exclusion toutefois d'un titulaire de permis ou d'un père ou d'une mère de famille d'accueil :

1. A parent of the child under section 6, 8, 9, 10, 11 or 13 of the *Children's Law Reform Act*.
2. In the case of a child conceived through sexual intercourse, an individual described in one of paragraphs 1 to 5 of subsection 7 (2) of the *Children's Law Reform Act*, unless it is proved on a balance of probabilities that the sperm used to conceive the child did not come from the individual.
3. An individual who has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.
4. In the case of an adopted child, a parent of the child as provided for under section 158 or 159.
5. An individual who has lawful custody of the child.
6. An individual who, during the 12 months before the child is placed for adoption under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child's support.
7. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
8. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children's Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

(12) The French version of paragraph 1 of subsection 153.6 (1) of the Act is repealed and the following substituted:

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l'enfant.

(13) The French version of paragraph 4 of subsection 153.6 (1) of the Act is repealed and the following substituted:

4. Le père adoptif ou la mère adoptive d'un frère ou d'une soeur de naissance de l'enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l'enfant en vue de son adoption.

(14) The French version of clauses 160 (1) (a) and (b) of the Act is amended by striking out "de sang" wherever it appears and substituting in each case "de naissance".

(15) Subsection 160 (2) of the Act is repealed.

1. Un parent de l'enfant, aux termes de l'article 6, 8, 9, 10, 11 ou 13 de la *Loi portant réforme du droit de l'enfance*.
2. Dans le cas d'un enfant conçu par relation sexuelle, tout particulier visé à l'une des dispositions 1 à 5 du paragraphe 7 (2) de la *Loi portant réforme du droit de l'enfance*, à moins qu'il ne soit prouvé par la prépondérance des probabilités que le sperme utilisé pour concevoir l'enfant ne provenait pas du particulier.
3. Le particulier dont le statut en tant que parent de l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.
4. Dans le cas d'un enfant adopté, le père ou la mère de l'enfant comme le prévoit l'article 158 ou 159.
5. La personne qui a la garde légitime de l'enfant.
6. La personne qui, au cours des 12 mois qui ont précédé le placement de l'enfant en vue de son adoption en vertu la présente partie, a manifesté l'intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un enfant de sa famille ou a reconnu le lien de filiation qui l'unit à l'enfant et a subvenu à ses besoins.
7. La personne qui, aux termes d'une entente écrite ou d'une ordonnance d'un tribunal, est tenue de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite.
8. La personne qui a reconnu le lien de filiation qui l'unit à l'enfant en déposant une déclaration solennelle en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, dans sa version antérieure au jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

(12) La version française de la disposition 1 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l'enfant.

(13) La version française de la disposition 4 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

4. Le père adoptif ou la mère adoptive d'un frère ou d'une soeur de naissance de l'enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l'enfant en vue de son adoption.

(14) La version française des alinéas 160 (1) a) et b) de la Loi est modifiée par remplacement de «de sang» par «de naissance» partout où figure ce terme.

(15) Le paragraphe 160 (2) de la Loi est abrogé.

(16) The French version of clause 220 (1) (a.2) of the Act is amended by striking out “de sang” and substituting “de naissance”.

(17) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”:

1. Paragraphs 1 and 2 of subsection 3 (3).
2. Clause 37 (5) (a).
3. Subsection 51 (3.1).
4. Clause 146 (2) (a).

(18) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de sa parenté”:

1. Subsection 3 (1), definition of “residential service”.
2. Paragraph 6 of subsection 37 (3).
3. Subsection 57 (4).
4. Clauses 141 (8) (a) and (b).

Child Care and Early Years Act, 2014

39. The definition of “relative” in subsection 2 (1) of the *Child Care and Early Years Act, 2014* is amended by striking out “whether by blood, through a spousal relationship or through adoption” at the end and substituting “including through a spousal relationship or adoption”.

Commercial Tenancies Act

40. The French version of subsection 31 (2) of the *Commercial Tenancies Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”.

Community Care Access Corporations Act, 2001

41. The French version of paragraph 2 of section 5 of the *Community Care Access Corporations Act, 2001* is amended by striking out “parents” and substituting “membres de la famille”.

Compensation for Victims of Crime Act

42. The French version of clause (e) of the definition of “dependant” in section 1 of the *Compensation for Victims of Crime Act* is amended by striking out “parent” and substituting “membre de la parenté”.

Co-operative Corporations Act

43. The French version of the following provisions of the *Co-operative Corporations Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Subsection 1 (1), clause (b) of the definition of “related person”.

(16) La version française de l’alinéa 220 (1) a.2) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(17) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme :

1. Les dispositions 1 et 2 du paragraphe 3 (3).
2. L’alinéa 37 (5) a).
3. Le paragraphe 51 (3.1).
4. L’alinéa 146 (2) a).

(18) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de sa parenté» partout où figure ce terme :

1. Le paragraphe 3 (1), définition de «service en établissement».
2. La disposition 6 du paragraphe 37 (3).
3. Le paragraphe 57 (4).
4. Les alinéas 141 (8) a) et b).

Loi de 2014 sur la garde d’enfants et la petite enfance

39. La définition de «membre de la famille» au paragraphe 2 (1) de la *Loi de 2014 sur la garde d’enfants et la petite enfance* est modifiée par remplacement de «, que ce soit par le sang, une union conjugale ou l’adoption» par «, notamment par une union conjugale ou l’adoption» à la fin du paragraphe.

Loi sur la location commerciale

40. La version française du paragraphe 31 (2) de la *Loi sur la location commerciale* est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme.

Loi de 2001 sur les sociétés d’accès aux soins communautaires

41. La version française de la disposition 2 de l’article 5 de la *Loi de 2001 sur les sociétés d’accès aux soins communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Loi sur l’indemnisation des victimes d’actes criminels

42. La version française de l’alinéa e) de la définition de «personne à charge» à l’article 1 de la *Loi sur l’indemnisation des victimes d’actes criminels* est modifiée par remplacement de «parent» par «membre de la parenté».

Loi sur les sociétés coopératives

43. La version française des dispositions suivantes de la *Loi sur les sociétés coopératives* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. Le paragraphe 1 (1), alinéa b) de la définition de «personne liée».

2. Subsection 111 (3), clause (e) of the definition of “associate”.

Corporations Act

44. (1) The French version of clause (d) of the definition of “associate” in subsection 72 (1) of the *Corporations Act* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the following provisions of the Act is amended by striking out “parents ou ayants droit survivants” wherever it appears and substituting in each case “membres de la famille ou ayants droit survivants”:

1. Clause 188 (2) (b).
2. Section 190.

(3) The French version of clause 189 (1) (d) of the Act is amended by striking out “parents survivants” and substituting “membres de la famille survivants”.

Credit Unions and Caisses Populaires Act, 1994

45. (1) The French version of clause (c) of the definition of “related person” in section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the definition of “relative” in section 1 of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Employment Standards Act, 2000

46. The French version of the following provisions of the *Employment Standards Act, 2000* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Paragraph 7 of subsection 49.3 (5).
2. Paragraph 7 of subsection 50 (2).
3. Paragraph 7 of subsection 50.1 (8).

Family Law Act

47. (1) Clause (b) of the definition of “spouse” in section 29 of the *Family Law Act* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

(2) Paragraph 1 of subsection 39 (3) of the Act is repealed and the following substituted:

1. The applicant is a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, or has custody of the child under an order or domestic contract.

(3) Paragraph 2 of subsection 39 (3) of the Act is amended by striking out the portion before subparagraph i and substituting the following:

2. Le paragraphe 111 (3), alinéa e) de la définition de «personne qui a un lien».

Loi sur les personnes morales

44. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 72 (1) de la *Loi sur les personnes morales* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parents ou ayants droit survivants» par «membres de la famille ou ayants droit survivants» partout où figurent ces mots :

1. L’alinéa 188 (2) b).
2. L’article 190.

(3) La version française de l’alinéa 189 (1) d) de la Loi est modifiée par remplacement de «parents survivants» par «membres de la famille survivants».

Loi de 1994 sur les caisses populaires et les credit unions

45. (1) La version française de l’alinéa c) de la définition de «personne liée» à l’article 1 de la *Loi de 1994 sur les caisses populaires et les credit unions* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de la définition de «parent» à l’article 1 de la Loi est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce mot.

Loi de 2000 sur les normes d’emploi

46. La version française des dispositions suivantes de la *Loi de 2000 sur les normes d’emploi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. La disposition 7 du paragraphe 49.3 (5).
2. La disposition 7 du paragraphe 50 (2).
3. La disposition 7 du paragraphe 50.1 (8).

Loi sur le droit de la famille

47. (1) L’alinéa b) de la définition de «conjoint» à l’article 29 de la *Loi sur le droit de la famille* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

(2) La disposition 1 du paragraphe 39 (3) de la Loi est abrogée et remplacée par ce qui suit :

1. Le requérant est parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, ou en a la garde aux termes d’une ordonnance ou d’un contrat familial.

(3) La disposition 2 du paragraphe 39 (3) de la Loi est modifiée par remplacement du passage qui précède la sous-disposition i par ce qui suit :

2. If the applicant is a parent of the child as set out in section 4 of the *Children's Law Reform Act*,

Family Responsibility and Support Arrears Enforcement Act, 1996

48. The French version of clause (i) of the definition of "income source" in subsection 1 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by striking out "parent" wherever it appears and substituting in each case "membre de la famille".

Freedom of Information and Protection of Privacy Act

49. (1) The definition of "close relative" in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out "whether related by blood or adoption" at the end and substituting "including by adoption".

(2) The French version of paragraph 3 of subsection 65 (8) of the Act is amended by striking out "de sang" and substituting "de naissance".

Funeral, Burial and Cremation Services Act, 2002

50. The French version of subsections 48 (2) and (4) of the *Funeral, Burial and Cremation Services Act, 2002* is amended by striking out "parents" wherever it appears and substituting in each case "membres de la famille".

Health Care Consent Act, 1996

51. (1) The French version of paragraph 8 of subsection 20 (1) of the *Health Care Consent Act, 1996* is amended by striking out "parent" and substituting "membre de la famille".

(2) Subsection 20 (10) of the Act is repealed and the following substituted:

Meaning of "relative"

(10) For the purposes of this section, a relative includes a person related to another person by marriage or adoption.

Home Care and Community Services Act, 1994

52. The French version of clause 1 (b) of the *Home Care and Community Services Act, 1994* is amended by striking out "parents" and substituting "membres de la famille".

Homemakers and Nurses Services Act

53. Clause 6 (a) of the *Homemakers and Nurses Services Act* is amended by striking out "his or her mother" and substituting "a parent".

Human Rights Code

54. The French version of clause 24 (1) (c) of the *Human Rights Code* is amended by striking out "autre

2. Si le requérant est parent de l'enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance* :

Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments

48. La version française de l'alinéa i) de la définition de «source de revenu» au paragraphe 1 (1) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi sur l'accès à l'information et la protection de la vie privée

49. (1) La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée* est modifiée par remplacement de «qu'ils soient liés par le sang ou l'adoption» par «y compris par l'adoption» à la fin de la définition.

(2) La version française de la disposition 3 du paragraphe 65 (8) de la *Loi* est modifiée par remplacement de «de sang» par «de naissance».

Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation

50. La version française des paragraphes 48 (2) et (4) de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation* est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme.

Loi de 1996 sur le consentement aux soins de santé

51. (1) La version française de la disposition 8 du paragraphe 20 (1) de la *Loi de 1996 sur le consentement aux soins de santé* est modifiée par remplacement de «parent» par «membre de la famille».

(2) Le paragraphe 20 (10) de la *Loi* est abrogé et remplacé par ce qui suit :

Sens du terme «membre de la famille»

(10) Pour l'application du présent article, un membre de la famille s'entend notamment d'une personne liée à une autre par le mariage ou l'adoption.

Loi de 1994 sur les services de soins à domicile et les services communautaires

52. La version française de l'alinéa 1 b) de la *Loi de 1994 sur les services de soins à domicile et les services communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Loi sur les services d'aides familiales et d'infirmières visiteuses

53. L'alinéa 6 a) de la *Loi sur les services d'aides familiales et d'infirmières visiteuses* est modifié par remplacement de «de sa mère» par «d'un parent».

Code des droits de la personne

54. La version française de l'alinéa 24 (1) c) du *Code des droits de la personne* est modifiée par rempla-

parent” and substituting “à un autre membre de sa famille qui est”.

Insurance Act

55. (1) Subclause (c) (ii) of the definition of “spouse” in subsection 224 (1) of the *Insurance Act* is amended by striking out “the natural or adoptive parents” and substituting “the parents”.

(2) The French version of subclause (c) (ii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “de leurs parents à charge” in the portion before sub-subclause (A) and substituting “des membres de leur famille qui sont à leur charge”.

(3) The French version of subclause (c) (iii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “parents à charge” in the portion before sub-subclause (A) and substituting “membres de la famille qui sont à la charge”.

(4) The French version of subsection 265 (4) of the Act is amended by striking out “parent à charge” wherever it appears in the portion before clause (a) and substituting in each case “membre de la famille à charge”.

(5) The French version of clause 323 (a) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

Legislation Act, 2006

56. Section 68 of the *Legislation Act, 2006* is repealed and the following substituted:

Gender

68. Gender-specific terms refer to any gender and include corporations.

MPPs Pension Act, 1996

57. Clause (d) of the definition of “spouse” in subsection 1 (1) of the *MPPs Pension Act, 1996* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Municipal Conflict of Interest Act

58. The definition of “parent” in section 1 of the *Municipal Conflict of Interest Act* is amended by striking out “whether or not that person is the natural parent of the child” at the end.

Municipal Freedom of Information and Protection of Privacy Act

59. The definition of “close relative” in subsection 2 (1) of the *Municipal Freedom of Information and Protection of Privacy Act* is amended by striking out “whether related by blood or adoption” at the end and substituting “including by adoption”.

cement de «autre parent» par «à un autre membre de sa famille qui est».

Loi sur les assurances

55. (1) Le sous-alinéa c) (ii) de la définition de «conjoint» au paragraphe 224 (1) de la *Loi sur les assurances* est modifié par remplacement de «les parents naturels ou adoptifs» par «les parents».

(2) La version française du sous-alinéa c) (ii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la *Loi* est modifiée par remplacement de «de leurs parents à charge» par «des membres de leur famille qui sont à leur charge» dans le passage qui précède le sous-sous-alinéa (A).

(3) La version française du sous-alinéa c) (iii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la *Loi* est modifiée par remplacement de «parents à charge» par «membres de la famille qui sont à la charge» dans le passage qui précède le sous-sous-alinéa (A).

(4) La version française du paragraphe 265 (4) de la *Loi* est modifiée par remplacement de «parent à charge» par «membre de la famille à charge» partout où figure cette expression dans le passage qui précède l’alinéa a).

(5) La version française de l’alinéa 323 a) de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille».

Loi de 2006 sur la législation

56. L’article 68 de la *Loi de 2006 sur la législation* est abrogé et remplacé par ce qui suit :

Genre

68. Les termes sexospécifiques s’appliquent aux personnes physiques de n’importe quel genre, ainsi qu’aux personnes morales.

Loi de 1996 sur le régime de retraite des députés

57. L’alinéa d) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi de 1996 sur le régime de retraite des députés* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

Loi sur les conflits d’intérêts municipaux

58. La définition de «père ou mère» à l’article 1 de la *Loi sur les conflits d’intérêts municipaux* est modifiée par suppression de «Outre le père et la mère d’un enfant,» au début de la définition, et par remplacement de «le traiter» par «traiter un enfant».

Loi sur l’accès à l’information municipale et la protection de la vie privée

59. La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l’accès à l’information municipale et la protection de la vie privée* est modifiée par remplacement de «qu’ils soient liés par le sang ou l’adoption» par «y compris par l’adoption» à la fin de la définition.

Not-for-Profit Corporations Act, 2010

60. (1) The French version of clause (d) of the definition of “associate” in subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of clause (e) of the definition of “associate” in subsection 1 (1) of the Act is amended by striking out “d’un des parents du conjoint” and substituting “d’un membre de la famille du conjoint”.

(3) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “d’un de ses parents ou de ceux” and substituting “d’un membre de sa famille ou de celle”.

Ontario Energy Board Act, 1998

61. The French version of clauses (d) and (e) of the definition of “associate” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Parental Responsibility Act, 2000

62. The definition of “parent” in section 1 of the *Parental Responsibility Act, 2000* is repealed and the following substituted:

“parent”, when used in reference to a child, includes any individual who has lawful custody of, or a lawful right of access to, the child. (“père ou mère”, “parents”)

Pension Benefits Act

63. Subclause (b) (ii) of the definition of “spouse” in subsection 1 (1) of the *Pension Benefits Act* is repealed and the following substituted:

- (ii) in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the *Children’s Law Reform Act*;

Personal Health Information Protection Act, 2004

64. (1) The definition of “relative” in section 2 of the *Personal Health Information Protection Act, 2004* is repealed and the following substituted:

“relative” means either of two persons who are related to each other, including through marriage or adoption; (“membre de la famille”)

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Paragraph 8 of subsection 26 (1).
2. Clause 38 (1) (c).

Loi de 2010 sur les organisations sans but lucratif

60. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de l’alinéa e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «d’un des parents du conjoint» par «d’un membre de la famille du conjoint».

(3) La version française de l’alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «d’un de ses parents ou de ceux» par «d’un membre de sa famille ou de celle».

Loi de 1998 sur la Commission de l’énergie de l’Ontario

61. La version française des alinéas d) et e) de la définition de «personne qui a un lien» à l’article 3 de la *Loi de 1998 sur la Commission de l’énergie de l’Ontario* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2000 sur la responsabilité parentale

62. La définition de «père ou mère» à l’article 1 de la *Loi de 2000 sur la responsabilité parentale* est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend notamment de tout particulier qui en a la garde légitime ou qui a un droit de visite légitime de celui-ci. Le terme «parents» a un sens correspondant. («parent»)

Loi sur les régimes de retraite

63. Le sous-alinéa b) (ii) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi sur les régimes de retraite* est abrogé et remplacé par ce qui suit :

- (ii) soit dans une relation d’une certaine permanence, si elles sont les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*.

Loi de 2004 sur la protection des renseignements personnels sur la santé

64. (1) La définition de «parent» à l’article 2 de la *Loi de 2004 sur la protection des renseignements personnels sur la santé* est abrogée et remplacée par ce qui suit :

«membre de la famille» Personne liée à une autre, notamment par le mariage ou l’adoption. («relative»)

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. La disposition 8 du paragraphe 26 (1).
2. L’alinéa 38 (1) c).

Pooled Registered Pension Plans Act, 2015

65. Subclause (b) (ii) of the definition of “spouse” in section 2 of the *Pooled Registered Pension Plans Act, 2015* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Residential Tenancies Act, 2006

66. Clause 47.3 (4) (d) of the *Residential Tenancies Act, 2006* is amended by striking out “who is related by blood, marriage or adoption” and substituting “who is related, including through marriage”.

Retirement Homes Act, 2010

67. Subsection 2 (2) of the *Retirement Homes Act, 2010* is repealed and the following substituted:

Interpretation, related person

(2) A person who is related to another person for the purposes of clause (b) of the definition of “retirement home” in subsection (1) includes a person related through adoption, marriage, conjugal relationship outside marriage, other culturally traditional form of kinship as described in the regulations, if any, or through another prescribed form.

SARS Assistance and Recovery Strategy Act, 2003

68. The French version of paragraph 7 of subsection 6 (5) of the *SARS Assistance and Recovery Strategy Act, 2003* is amended by striking out “parent” and substituting “membre de la famille”.

Securities Act

69. The French version of clauses (d) and (f) of the definition of “associate” in subsection 1 (1) of the *Securities Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Substitute Decisions Act, 1992

70. (1) Subsection 1 (2.1) of the *Substitute Decisions Act, 1992* is repealed and the following substituted:

Relatives

(2.1) For the purposes of this Act, a relative includes a person related to another person by marriage or adoption.

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 11 (1.1) (b).
2. Clause 16 (2) (c).
3. Paragraph 2 of subsection 17 (1).
4. Subsection 24 (2), in the portion before paragraph 1.

Loi de 2015 sur les régimes de pension agréés collectifs

65. Le sous-alinéa b) (ii) de la définition de «conjoint» à l'article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs* est modifié par remplacement de «les parents naturels ou adoptifs d'un enfant» par «les parents d'un enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance*» à la fin du sous-alinéa.

Loi de 2006 sur la location à usage d'habitation

66. L'alinéa 47.3 (4) d) de la *Loi de 2006 sur la location à usage d'habitation* est modifié par remplacement de «qui est liée par le sang, le mariage ou l'adoption» par «qui est liée, y compris par le mariage,».

Loi de 2010 sur les maisons de retraite

67. Le paragraphe 2 (2) de la *Loi de 2010 sur les maisons de retraite* est abrogé et remplacé par ce qui suit :

Interprétation, personne liée

(2) Pour l'application de l'alinéa b) de la définition de «maison de retraite» au paragraphe (1), une personne qui est liée à une autre s'entend notamment d'une personne liée à celle-ci par l'adoption, le mariage, une union conjugale hors du mariage ou une autre forme culturellement traditionnelle de parenté précisée dans les règlements, le cas échéant, ou d'une autre manière prescrite.

Loi de 2003 sur la stratégie d'aide et de reprise suite au SRAS

68. La version française de la disposition 7 du paragraphe 6 (5) de la *Loi de 2003 sur la stratégie d'aide et de reprise suite au SRAS* est modifiée par remplacement de «parent» par «membre de la famille».

Loi sur les valeurs mobilières

69. La version française des alinéas d) et f) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les valeurs mobilières* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 1992 sur la prise de décisions au nom d'autrui

70. (1) Le paragraphe 1 (2.1) de la *Loi de 1992 sur la prise de décisions au nom d'autrui* est abrogé et remplacé par ce qui suit :

Membres de la famille

(2.1) Pour l'application de la présente loi, un membre de la famille s'entend notamment d'une personne liée à une autre par le mariage ou l'adoption.

(2) La version française des dispositions suivantes de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L'alinéa 11 (1.1) b).
2. L'alinéa 16 (2) c).
3. La disposition 2 du paragraphe 17 (1).
4. Le paragraphe 24 (2), dans le passage qui précède la disposition 1.

5. Paragraph 5 of subsection 37 (4).

6. Subsection 46 (3), in the portion before clause (a).

7. Clause 52 (1.1) (b).

8. Subsection 57 (2), in the portion before paragraph 1.

(3) The French version of the following provisions of the Act is amended by striking out “parents” wherever it appears and substituting in each case “membres de la famille”:

1. Clause 11 (1) (d), in the portion before subclause (i).

2. Paragraph 1 of subsection 37 (3).

3. Paragraphs 2 and 4 of subsection 37 (4).

4. Clause 52 (1) (d).

Succession Law Reform Act

71. (1) The definition of “child” in subsection 1 (1) of the *Succession Law Reform Act* is repealed and the following substituted:

“child” includes,

- (a) a child conceived before and born alive after the parent’s death, and
- (b) a child conceived and born alive after the parent’s death, if the conditions in subsection 1.1 (1) are met; (“enfant”)

(2) The definition of “issue” in subsection 1 (1) of the Act is repealed and the following substituted:

“issue” includes,

- (a) a descendant conceived before and born alive after the person’s death, and
- (b) a descendant conceived and born alive after the person’s death, if the conditions in subsection 1.1 (1) are met; (“descendance”)

(3) The definition of “parent” in subsection 1 (1) of the Act is repealed.

(4) The definition of “spouse” in subsection 1 (1) of the Act is repealed and the following substituted:

“spouse”, except in Part V, has the same meaning as in section 1 of the *Family Law Act*; (“conjoint”)

(5) Subsection 1 (2) of the Act is repealed.

(6) The Act is amended by adding the following section before the heading to Part I:

Posthumous conception, conditions

1.1 (1) The following conditions respecting a child conceived and born alive after a person’s death apply for the purposes of this Act:

- 1. The person who, at the time of the death of the deceased person, was his or her spouse, must give written notice to the Estate Registrar for Ontario

5. La disposition 5 du paragraphe 37 (4).

6. Le paragraphe 46 (3), dans le passage qui précède l’alinéa a).

7. L’alinéa 52 (1.1) b).

8. Le paragraphe 57 (2), dans le passage qui précède la disposition 1.

(3) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme :

1. L’alinéa 11 (1) d), dans le passage qui précède le sous-alinéa (i).

2. La disposition 1 du paragraphe 37 (3).

3. Les dispositions 2 et 4 du paragraphe 37 (4).

4. L’alinéa 52 (1) d).

Loi portant réforme du droit des successions

71. (1) La définition de «enfant» au paragraphe 1 (1) de la *Loi portant réforme du droit des successions* est abrogée et remplacée par ce qui suit :

«enfant» S’entend notamment :

- a) d’un enfant conçu avant et né vivant après le décès du père ou de la mère;
- b) d’un enfant conçu et né vivant après le décès du père ou de la mère, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («child»)

(2) La définition de «descendance» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«descendance» S’entend notamment :

- a) d’un descendant conçu avant et né vivant après le décès de la personne;
- b) d’un descendant conçu et né vivant après le décès de la personne, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («issue»)

(3) La définition de «père ou mère» au paragraphe 1 (1) de la Loi est abrogée.

(4) La définition de «conjoint» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» Sauf à la partie V, s’entend au sens de l’article 1 de la *Loi sur le droit de la famille*. («spouse»)

(5) Le paragraphe 1 (2) de la Loi est abrogé.

(6) La Loi est modifiée par adjonction de l’article suivant avant l’intitulé de la partie I :

Conception posthume : conditions

1.1 (1) Les conditions suivantes concernant un enfant conçu et né vivant après le décès d’une personne s’appliquent dans le cadre de la présente loi :

- 1. La personne qui, au moment du décès de la personne décédée, était son conjoint, doit donner au greffier des successions de l’Ontario un avis écrit

that the person may use reproductive material or an embryo to attempt to conceive, through assisted reproduction and with or without a surrogate, a child in relation to which the deceased person intended to be a parent.

2. The notice under paragraph 1 must be in the form provided by the Ministry of the Attorney General and given no later than six months after the deceased person's death.
3. The posthumously-conceived child must be born no later than the third anniversary of the deceased person's death, or such later time as may be specified by the Superior Court of Justice under subsection (3).
4. A court has made a declaration under section 12 of the *Children's Law Reform Act* establishing the deceased person's parentage of the posthumously-conceived child.

Interpretation

(2) For the purposes of paragraph 1 of subsection (1), “assisted reproduction”, “embryo”, “reproductive material”, “spouse” and “surrogate” have the same meaning as in section 1 of the *Children's Law Reform Act*.

Extension of time

(3) On motion or application, as the case may be, by a surviving spouse who gives notice under paragraph 1 of subsection (1), the Superior Court of Justice may make an order extending the period referred to in paragraph 3 of that subsection, if the Court considers it appropriate in the circumstances.

(7) Section 47 of the Act is amended by adding the following subsections:

Descendants posthumously conceived

(10) For the purposes of this section, descendants and relatives of the deceased conceived and born alive after the death of the deceased shall inherit as if they had been born in the lifetime of the deceased and had survived him or her, if the conditions in subsection 1.1 (1) are met.

Right to inherit

(11) The right of a descendant or relative to whom subsection (10) applies to inherit begins on the day he or she is born.

(8) The definition of “spouse” in section 57 of the Act is repealed and the following substituted:

“spouse” has the same meaning as in section 29 of the *Family Law Act*. (“conjoint”)

(9) Section 57 of the Act is amended by adding the following subsection:

Dependant posthumously-conceived child

(2) For the purposes of clause (c) of the definition of “dependant” in subsection (1), where the conditions in subsection 1.1 (1) are met in relation to a child conceived

selon lequel elle peut utiliser du matériel reproductif ou un embryon pour tenter de concevoir, par procréation assistée et avec ou sans l'aide d'un substitut, un enfant à l'égard duquel la personne décédée avait l'intention d'être parent.

2. L'avis visé à la disposition 1 doit être rédigé selon le formulaire fourni par le ministère du Procureur général et donné au plus tard six mois après le décès de la personne décédée.
3. L'enfant conçu de façon posthume doit être né au plus tard au troisième anniversaire du décès de la personne décédée ou à la date ultérieure précisée par la Cour supérieure de justice en vertu du paragraphe (3).
4. Le tribunal a prononcé, en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, une déclaration établissant le lien de filiation de la personne décédée et de l'enfant conçu de façon posthume.

Interprétation

(2) Pour l'application de la disposition 1 du paragraphe (1), «conjoint», «embryon», «matériel reproductif», «procréation assistée» et «substitut» s'entendent au sens de l'article 1 de la *Loi portant réforme du droit de l'enfance*.

Prorogation du délai

(3) Sur motion ou requête, selon le cas, d'un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe (1), la Cour supérieure de justice peut rendre une ordonnance prorogeant le délai visé à la disposition 3 de ce paragraphe si elle l'estime appropriée dans les circonstances.

(7) L'article 47 de la Loi est modifié par adjonction des paragraphes suivants :

Descendants conçus de façon posthume

(10) Pour l'application du présent article, les descendants et les membres de la famille du défunt, s'ils sont conçus et naissent vivants après le décès du défunt, héritent comme s'ils étaient nés de son vivant et lui avaient survécu, si les conditions du paragraphe 1.1 (1) sont remplies.

Droit d'hériter

(11) Le droit d'hériter d'un descendant ou d'un membre de la famille à qui s'applique le paragraphe (10) s'ouvre le jour où il naît.

(8) La définition de «conjoint» à l'article 57 de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse»)

(9) L'article 57 de la Loi est modifié par adjonction du paragraphe suivant :

Enfant conçu de façon posthume considéré comme personne à charge

(2) Pour l'application de l'alinéa c) de la définition de «personne à charge» au paragraphe (1), si les conditions prévues au paragraphe 1.1 (1) sont remplies concernant

and born alive after the death of the deceased, the deceased is deemed to have been, immediately before his or her death, under a legal obligation to provide support to the child.

(10) Section 59 of the Act is amended by adding the following subsection:

Posthumous child not yet conceived

(2) An application may be made under subsection (1) by a surviving spouse who gives notice under paragraph 1 of subsection 1.1 (1) on behalf of a child of the deceased that is referred to in the notice and is not yet conceived, if the application is made no later than six months after the death of the deceased.

Toronto Islands Residential Community Stewardship Act, 1993

72. The definition of “child” in section 1 of the *Toronto Islands Residential Community Stewardship Act, 1993* is repealed and the following substituted:

“child” includes an adopted child; (“enfant”)

Trillium Gift of Life Network Act

73. The French version of clauses 5 (2) (g), (h) and (i) of the *Trillium Gift of Life Network Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Jobs for Today and Tomorrow Act (Budget Measures), 2016

74. (1) Section 2 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* is repealed.

(2) Section 3 of Schedule 33 to the Act is repealed.

(3) Section 6 of Schedule 33 to the Act is repealed.

(4) If, on the day this subsection comes into force, section 8 of Schedule 33 to the Act is not yet in force, that section is repealed.

Strong Action for Ontario Act (Budget Measures), 2012

75. Section 1 of Schedule 7 to the *Strong Action for Ontario Act (Budget Measures), 2012* is repealed.

Commencement

76. (1) Subject to subsections (2) to (12), this Act comes into force on the day it receives Royal Assent.

Same

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

1. Subsection 1 (1).
2. Sections 2 to 17.
3. Subsections 18 (1), (2), (4), (5), (6), (8) and (9).

un enfant conçu et né vivant après le décès du défunt, ce dernier est réputé avoir eu, immédiatement avant son décès, une obligation légale de fournir des aliments à l'enfant.

(10) L'article 59 de la Loi est modifié par adjonction du paragraphe suivant :

Enfant posthume non encore conçu

(2) Une requête peut être présentée en vertu du paragraphe (1) par un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe 1.1 (1) au nom d'un enfant du défunt qui est mentionné dans l'avis et qui n'est pas encore conçu, si elle est présentée dans les six mois qui suivent le décès du défunt.

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

72. La définition de «enfant» à l'article 1 de la *Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto* est abrogée et remplacée par ce qui suit :

«enfant» S'entend notamment d'un enfant adopté.
(«child»)

Loi sur le Réseau Trillium pour le don de vie

73. La version française des alinéas 5 (2) g), h) et i) de la *Loi sur le Réseau Trillium pour le don de vie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)

74. (1) L'article 2 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* est abrogé.

(2) L'article 3 de l'annexe 33 de la Loi est abrogé.

(3) L'article 6 de l'annexe 33 de la Loi est abrogé.

(4) Si, le jour de l'entrée en vigueur du présent paragraphe, l'article 8 de l'annexe 33 de la Loi n'est pas encore en vigueur, cet article est abrogé.

Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)

75. L'article 1 de l'annexe 7 de la *Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires)* est abrogé.

Entrée en vigueur

76. (1) Sous réserve des paragraphes (2) à (12), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) Les dispositions suivantes entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation :

1. Le paragraphe 1 (1).
2. Les articles 2 à 17.
3. Les paragraphes 18 (1), (2), (4), (5), (6), (8) et (9).

4. Sections 22 and 23.
5. Sections 26 to 32.
6. Subsections 33 (1) to (3) and section 34.
7. Subsections 37 (1) and (2).
8. Sections 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 and 59.
9. Sections 62, 63, 66, 67, 70, 71 and 72.
10. Subsection 74 (4).

Same

(3) Subsections 1 (2) and 18 (11) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(4) Subsections 18 (3), (7) and (10) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(5) Subsection 21 (2) comes into force one year after the day this Act receives Royal Assent.

Same

(6) Subsections 24 (1), (4) and (5) and 25 (1), (2), (4), (6) and (7) come into force on the later of the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(7) Subsections 24 (2) and (3) and 25 (3) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(8) Subsections 37 (3), (7) and (8) come into force on the later of the day section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(9) Subsections 37 (4) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

4. Les articles 22 et 23.
5. Les articles 26 à 32.
6. Les paragraphes 33 (1) à (3) et l'article 34.
7. Les paragraphes 37 (1) et (2).
8. Les articles 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 et 59.
9. Les articles 62, 63, 66, 67, 70, 71 et 72.
10. Le paragraphe 74 (4).

Idem

(3) Les paragraphes 1 (2) et 18 (11) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(4) Les paragraphes 18 (3), (7) et (10) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(5) Le paragraphe 21 (2) entre en vigueur un an après le jour où la présente loi reçoit la sanction royale.

Idem

(6) Les paragraphes 24 (1), (4) et (5) et 25 (1), (2), (4), (6) et (7) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(7) Les paragraphes 24 (2) et (3) et 25 (3) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(8) Les paragraphes 37 (3), (7) et (8) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 9 de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(9) Les paragraphes 37 (4) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Same

(10) Subsection 37 (6) comes into force on the later of the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(11) Section 60 comes into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

Same

(12) Section 65 comes into force on the later of the day subsection 1 (1) comes into force and the day section 2 of the *Pooled Registered Pension Plans Act, 2015* comes into force.

Short title

77. The short title of this Act is the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016*.

Idem

(10) Le paragraphe 37 (6) entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(11) L'article 60 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif*.

Idem

(12) L'article 65 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs*.

Titre abrégé

77. Le titre abrégé de la présente loi est *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.



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65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
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Bill 28

*(Chapter 23
Statutes of Ontario, 2016)*

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

The Hon. Y. Naqvi
Attorney General



1st Reading	September 29, 2016
2nd Reading	October 3, 2016
3rd Reading	November 29, 2016
Royal Assent	December 5, 2016

Projet de loi 28

*(Chapitre 23
Lois de l'Ontario de 2016)*

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

L'honorable Y. Naqvi
Procureur général

1 ^{re} lecture	29 septembre 2016
2 ^e lecture	3 octobre 2016
3 ^e lecture	29 novembre 2016
Sanction royale	5 décembre 2016



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 28 and does not form part of the law. Bill 28 has been enacted as Chapter 23 of the Statutes of Ontario, 2016.

The Bill makes amendments to the *Children's Law Reform Act* to establish new rules of parentage in Ontario. Related amendments are made to the *Vital Statistics Act* to reflect those rules as they affect birth registrations. Other complementary amendments are made to various statutes to reflect the new rules of parentage.

In addition, the Bill makes amendments to the *Change of Name Act* and to the *Vital Statistics Act* respecting name changes and their registration.

Children's Law Reform Act

Parts I and II of the *Children's Law Reform Act* are repealed and replaced by a new Part I setting out the rules of parentage for all purposes of the law of Ontario. Sections 1 and 2 of the new Part set out definitions and applicable interpretive rules, including rules dealing with the interpretation of references in law and other instruments to relationships by blood. Section 3 of the new Part provides that the Part governs the determination of parentage for all purposes of the law of Ontario.

New rules of parentage are set out in sections 4 to 13 of the new Part:

1. A person is the child of his or her parents, and a child's parents are determined either under sections 6 to 13 if the child is not adopted, or under sections 158 and 159 of the *Child and Family Services Act* if the child is adopted. Kindred relationships continue to flow from the relationship of parent and child as set out in the Part. (Section 4)
2. A person who provides reproductive material or an embryo for use in assisted reproduction is a parent of a child conceived as a result only if he or she is determined to be a parent under the new Part. (Section 5)
3. A child's birth parent, defined as the person who gives birth to the child, is a parent of the child. The only exception to this is if the birth parent is a surrogate and is determined not to be the child's parent under the new Part. (Section 6)
4. If a child is conceived through sexual intercourse, the person whose sperm resulted in the conception is also a parent of the child. Rebuttable presumptions are set out respecting how that person may be determined. An exception is made in the case where two persons engage in sexual intercourse for the purpose of conceiving a child, but agree in advance in writing that the person providing the sperm does not intend to be a parent of the child (insemination by a sperm donor). (Section 7)
5. A birth parent's spouse at the time a child is conceived either through assisted reproduction or through insemination by a sperm donor is presumed to be a parent of the child. This does not apply if, before the child is

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 28, ne fait pas partie de la loi. Le projet de loi 28 a été édicté et constitue maintenant le chapitre 23 des Lois de l'Ontario de 2016.

Le projet de loi apporte des modifications à la *Loi portant réforme du droit de l'enfance* pour établir de nouvelles règles de filiation en Ontario. Des modifications connexes sont apportées à la *Loi sur les statistiques de l'état civil* pour tenir compte de ces règles dans la mesure où elles touchent l'enregistrement des naissances. D'autres modifications complémentaires sont apportées à diverses lois pour tenir compte des nouvelles règles de filiation.

De plus, le projet de loi apporte des modifications à la *Loi sur le changement de nom* et à la *Loi sur les statistiques de l'état civil* en ce qui concerne les changements de nom et leur enregistrement.

Loi portant réforme du droit de l'enfance

Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par une nouvelle partie I qui énonce les règles de filiation dans le cadre du droit ontarien. Les articles 1 et 2 de la nouvelle partie énoncent les définitions et les règles d'interprétation applicables, notamment les règles relatives à l'interprétation des mentions des liens par le sang qui sont faites dans les lois, les règlements et d'autres textes. L'article 3 de la nouvelle partie prévoit que celle-ci régit l'établissement de la filiation dans le cadre du droit ontarien.

De nouvelles règles de filiation sont énoncées aux articles 4 à 13 de la nouvelle partie :

1. Une personne est l'enfant de ses parents et la qualité de parent de ces derniers est établie aux termes des articles 6 à 13 si l'enfant n'est pas adopté ou aux termes des articles 158 et 159 de la *Loi sur les services à l'enfance et à la famille* si l'enfant est adopté. Les liens de parenté continuent de découler du lien de filiation tel qu'il est énoncé à cette partie. (Article 4)
2. La personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la procréation assistée n'est parent d'un enfant conçu en conséquence que si elle est reconnue comme parent aux termes de la nouvelle partie. (Article 5)
3. Le parent de naissance d'un enfant, au sens de la personne qui donne naissance à l'enfant, est parent de l'enfant. La seule exception à cette règle est le cas du parent de naissance qui est un substitut et qui n'est pas reconnu comme parent de l'enfant aux termes de la nouvelle partie. (Article 6)
4. Si un enfant est conçu par relation sexuelle, la personne dont le sperme a mené à la conception est aussi parent de l'enfant. Des présomptions réfutables sont énoncées relativement à la façon de reconnaître cette personne. Une exception est prévue dans le cas où deux personnes ont une relation sexuelle en vue de concevoir un enfant, mais conviennent au préalable par écrit que la personne qui fournit le sperme n'a pas l'intention d'être parent de l'enfant (insémination par un donneur de sperme). (Article 7)
5. Le conjoint du parent de naissance au moment où un enfant est conçu par procréation assistée ou par insémination par un donneur de sperme est parent de l'enfant. Cette règle ne s'applique pas si, avant la con-

conceived, the spouse did not consent to be a parent of the child or withdrew consent previously given. This also does not apply in the case of a spouse of a surrogate, or if the child is posthumously-conceived. (Section 8)

6. A birth parent may enter into a pre-conception parentage agreement with one or more persons in which they agree to be, together, parents of a child yet to be conceived. Subject to the meeting of specified conditions, including that there be no more than four parties to the agreement, on the birth of a child contemplated by the agreement, any party to the agreement who is not otherwise a parent of the child also becomes a parent of the child. (Section 9)
7. Where a surrogate and one or more intended parents of a child to be carried by the surrogate enter into a surrogacy agreement and a child contemplated by the agreement is born, the intended parents become the parents of the child and the surrogate ceases to be a parent of the child if specified conditions are met. These conditions include that there are no more than four intended parents under the agreement, that each of the parties to the agreement received independent legal advice before signing, and that the child is conceived through assisted reproduction. The change in parentage is also contingent on the surrogate giving written consent relinquishing the surrogate's entitlement to parentage of the child, but the consent may not be given before the child is seven days old. Until that time, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. If the surrogate does not or cannot give consent, an application may be made to the court for a declaration of parentage respecting the child. Although a surrogacy agreement may be used as evidence of parental intent, it is unenforceable in law. (Section 10)
8. If all of the conditions of section 10 are met except that there are more than four intended parents under the surrogacy agreement, an application to the court for a declaration of parentage is required in order for the intended parents to become the parents of the child and for the surrogate to cease being a parent of the child. The application may not be made after the child's first birthday. Although the surrogate's written consent relinquishing the surrogate's entitlement to parentage of the child is typically required, the requirement may be waived by the court in specified circumstances. Until a declaration is made, after the child is born the surrogate and the intended parents share parental rights and responsibilities respecting the child, unless the surrogacy agreement provides otherwise. (Section 11)
9. Where, before a person's death, that person and his or her spouse agreed to be parents of a child conceived after the person's death through assisted reproduction, the surviving spouse may apply to the court for a declaration that the deceased person is a parent of a child who is so conceived, once the child is born. The appli-

ception de l'enfant, le conjoint n'a pas consenti à être parent de l'enfant ou a retiré le consentement qu'il avait déjà donné. Cette règle ne s'applique pas non plus dans le cas du conjoint d'un substitut ou dans le cas d'une conception posthume. (Article 8)

6. Le parent de naissance peut conclure, avec une ou plusieurs personnes, une convention de filiation antérieure à la conception selon laquelle ils conviennent d'être, ensemble, parents d'un enfant qui n'est pas encore conçu. Sous réserve que soient remplies des conditions précisées, notamment celle voulant qu'il n'y ait pas plus de quatre parties à la convention, à la naissance d'un enfant envisagé par la convention, toute partie à la convention qui n'est pas par ailleurs parent de l'enfant devient également parent de l'enfant. (Article 9)
7. Lorsqu'un substitut et un ou plusieurs parents d'intention d'un enfant que doit porter le substitut concluent une convention de gestation pour autrui et que naît un enfant envisagé par la convention, les parents d'intention deviennent les parents de l'enfant et le substitut cesse d'en être un parent si les conditions précisées sont remplies. Parmi ces conditions, il ne doit pas y avoir plus de quatre parents d'intention aux termes de la convention, chacune des parties à la convention doit avoir reçu un avis juridique indépendant avant de la signer et l'enfant doit être conçu par procréation assistée. Le changement de filiation est également subordonné à la remise par le substitut de son consentement écrit à la cession de son droit à la filiation avec l'enfant, mais ce consentement ne peut pas être donné avant que l'enfant ne soit âgé de sept jours. Jusqu'à ce que ce délai soit écoulé, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. Si le substitut ne donne pas ou ne peut pas donner son consentement, une requête en déclaration de filiation peut être présentée au tribunal à l'égard de l'enfant. Bien qu'une convention de gestation pour autrui puisse être invoquée comme preuve de l'intention d'être parent, elle est inexécutoire en droit. (Article 10)
8. Si toutes les conditions de l'article 10 sont remplies, à l'exception du fait qu'il y a plus de quatre parents d'intention aux termes de la convention de gestation pour autrui, la présentation d'une requête en déclaration de filiation au tribunal est requise afin que les parents d'intention puissent devenir les parents de l'enfant et que le substitut cesse d'en être un parent. La requête ne peut être présentée après le premier anniversaire de naissance de l'enfant. Bien que le consentement écrit du substitut à la cession de son droit à la filiation avec l'enfant soit généralement exigé, le tribunal peut dispenser de cette obligation dans des situations précisées. Jusqu'à ce qu'une déclaration soit prononcée, le substitut et les parents d'intention partagent, à compter de la naissance de l'enfant, les droits et responsabilités parentaux à l'égard de l'enfant, sauf stipulation contraire de la convention de gestation pour autrui. (Article 11)
9. Lorsque, avant le décès d'une personne, cette dernière et son conjoint ont convenu d'être parents d'un enfant conçu par procréation assistée après le décès de cette personne, le conjoint survivant peut présenter au tribunal une requête lui demandant de déclarer que la personne décédée est parent d'un enfant ainsi conçu, une

cation may not be made after the child is 90 days old. The court may make the declaration if specified conditions are met. (Section 12)

10. In any event, a person may apply to the court for a declaration that a person is or is not a parent of a child, unless the child is adopted. In specified circumstances, including where a declaration would result in a child having more than two parents, the declaration may only be made if certain conditions are met, including that such a declaration is in the best interests of the child. (Section 13)

A declaration of parentage may be set aside (section 14). Otherwise, a declaration of parentage must be recognized for all purposes, and is deemed to have been effective from the child's birth (section 15). Section 16 of the new Part provides for rules respecting the recognition by Ontario courts of declarations of parentage made by courts or tribunals outside the province.

The remaining provisions of the new Part deal mostly with procedural and evidentiary matters, such as DNA and other tests to establish parentage and changes of surname arising from declarations of parentage.

In addition to re-enacting Part I of the Act and repealing Part II, the Bill makes various complementary amendments to other provisions of the Act. This includes amendments to references to parents that assume that a child would have no more than two parents, as well as amendments to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate.

Vital Statistics Act

The Bill makes various amendments to the *Vital Statistics Act* that reflect the new rules of parentage, including amendments to subsection 9 (1) (respecting the certification of a child's birth), subsection 9 (7) (respecting amendments to a child's birth registration as a result of a declaration of parentage made under the *Children's Law Reform Act*), and the addition of a subsection 10 (3.1) to provide for rules respecting the determination of a child's surname when the child has more than two parents. In addition, complementary amendments are made to the French version of the Act to replace references to "père" and "mère" with "parent" where appropriate, to use "membre de la famille" instead of "parent" as a translation of the English term "relative", and to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes amendments respecting name changes. The Bill adds a transition provision for section 14 of the Act, which is being repealed. That section allows a person with lawful custody of a child under the age of 12 years to elect to change the child's names.

The Bill makes the following main amendments to section 31 of the Act that deals with a situation where the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. If the Registrar General has noted the change on the person's birth registration but no applicant requested that it be done, the Registrar General may request the

fois que l'enfant est né. La requête ne peut être présentée après que l'enfant est âgé de 90 jours. Le tribunal peut prononcer la déclaration si les conditions précitées sont remplies. (Article 12)

10. Quoi qu'il en soit, une personne peut présenter au tribunal une requête lui demandant de déclarer qu'une personne est ou n'est pas parent d'un enfant, sauf si l'enfant est adopté. Dans les circonstances précisées, notamment dans le cas d'une déclaration qui aurait pour conséquence qu'un enfant a plus de deux parents, la déclaration ne peut être prononcée que si certaines conditions sont remplies, y compris celle selon laquelle une telle déclaration est dans l'intérêt véritable de l'enfant. (Article 13)

Toute déclaration de filiation peut être annulée (article 14). Par ailleurs, une déclaration de filiation doit être reconnue à toutes fins et est réputée avoir pris effet à partir de la naissance de l'enfant (article 15). L'article 16 de la nouvelle partie prévoit des règles relatives à la reconnaissance par les tribunaux ontariens des déclarations de filiation prononcées par des tribunaux judiciaires ou autres à l'extérieur de la province.

Les autres dispositions de la nouvelle partie portent principalement sur des questions de procédure et de preuve, telles que les tests d'ADN et autres tests servant à établir la filiation et les changements de nom de famille découlant des déclarations de filiation.

En plus de réédicter la partie I de la Loi et d'en abroger la partie II, le projet de loi apporte diverses modifications complémentaires à d'autres dispositions de la Loi. Il y a notamment des modifications aux mentions de parents qui supposent qu'un enfant n'aurait pas plus de deux parents, ainsi que des modifications à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés.

Loi sur les statistiques de l'état civil

Le projet de loi apporte diverses modifications à la *Loi sur les statistiques de l'état civil* qui tiennent compte des nouvelles règles de filiation, notamment la modification du paragraphe 9 (1) (concernant la certification de la naissance d'un enfant) et du paragraphe 9 (7) (concernant la modification de l'enregistrement de la naissance d'un enfant par suite d'une déclaration de filiation prononcée en vertu de la *Loi portant réforme du droit de l'enfance*) et l'adjonction du paragraphe 10 (3.1) qui prévoit des règles relatives à la détermination du nom de famille d'un enfant lorsque celui-ci a plus de deux parents. De plus, des modifications complémentaires sont apportées à la version française de la Loi pour remplacer les mentions de «père» et «mère» par «parent» dans les cas appropriés, pour remplacer «parent» par «membre de la famille» comme traduction du terme anglais «relative» et pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte des modifications relatives aux changements de nom. Il ajoute une disposition transitoire pour l'article 14 de la Loi, qui est en voie d'abrogation. Cet article permet à une personne ayant la garde légitime d'un enfant âgé de moins de 12 ans de décider de changer les noms de l'enfant.

Le projet de loi apporte les modifications principales suivantes à l'article 31 de la Loi, qui traite des cas où le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. S'il a noté le changement sur l'enregistrement de la naissance de la personne alors que nul n'en a fait la demande, le registraire général de l'état civil peut de-

person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.

2. At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.
3. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
4. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person on whose birth registration the Registrar General noted a change of name all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
5. If the Registrar General notes an annulment of a change of name under subsection 31 (12), the Registrar General may request that any person, applicant or child affected by the annulment submit the prescribed documents that are in the applicable person's possession.

The Bill makes the following main amendments to section 31.1 of the Act that deals with a situation where the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state.

1. At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.
2. If the person requesting the notation of the change on the child's birth registration is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession.
3. If it is the child who requests the notation of the change on the child's birth registration, the child must collect from the person all the prescribed documents that are in the person's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the child's possession.
4. If the Registrar General notes an annulment of a change of name under subsection 31.1 (9), the Registrar General may request that any person or child af-

mander à la personne de présenter tous les documents prescrits qui se trouvent en sa possession et la personne doit obtempérer.

2. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.
3. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
4. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour y noter un changement de nom tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire civil de l'état général, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
5. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31 (12), le registraire général de l'état civil peut demander que toute personne, tout auteur de demande ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

Le projet de loi apporte les principales modifications suivantes à l'article 31.1 de la Loi, qui traite des cas où le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger.

1. À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.
2. Si la personne qui demande que le changement soit noté sur l'enregistrement de la naissance de l'enfant n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de la personne.
3. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit obtenir de la personne tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés des documents prescrits qui se trouvent en la possession de l'enfant.
4. S'il note l'annulation du changement de nom d'une personne en application du paragraphe 31.1 (9), le registraire général de l'état civil peut demander que toute

fected by the annulment submit the prescribed documents that are in the applicable person's possession.

Complementary amendments to other Acts

The Bill amends various other Acts in order to reflect the new rules of parentage. This includes the following amendments:

1. Amendments to remove references to persons being related by blood.
2. Amendments to remove references to persons being the natural parents of a child.
3. Amendments to the French version of Acts to use "membre de la famille" instead of "parent" as a translation of the English term "relative".
4. Amendments to the French version of Acts to amend the translation of "birth parent" (as opposed to adoptive parent) so that the French term refers instead to a parent "de naissance" (of birth) rather than "de sang" (of blood).

In addition, the Bill makes substantive amendments to several Acts respecting either parentage or name changes.

Change of Name Act

At present, if the Registrar General has registered a change of name of a person who is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General is required to note the change on the child's birth registration in certain circumstances. The Bill changes the reference to the mother, father or other parent to refer to a parent.

If the person requesting the notation of the change is not the child, the person must collect from the child all the prescribed documents that are in the child's possession and submit them to the Registrar General with the request, along with the prescribed documents that are in the person's possession. If it is the child who requests the notation of the change on the child's birth registration, the child must submit to the Registrar General, with the request, the prescribed documents that are in the child's possession, together with all the prescribed documents that the child is required to collect from a person for whom the Registrar General has registered a change of name and that are in the person's possession. (Section 37)

Legislation Act, 2006

Section 68 of the *Legislation Act, 2006* currently provides that gender-specific terms, when used in legislation, include both sexes. The section is re-enacted so that it provides that gender-specific terms refer to any gender. (Section 56)

Succession Law Reform Act

The Bill makes amendments to the *Succession Law Reform Act* to provide that, if specified conditions are met, a child conceived after the death of one of his or her parents is still a child and issue for the purposes of the Act. The conditions are specified in a new section 1.1 of the Act. Section 47 of the Act, which deals with the distribution of property of a person who dies intestate, is amended to provide that if the conditions are met, the posthumously-conceived child inherits as if he or she had been born during the lifetime of the deceased and had survived him or her. Sections 57 and 59 of the Act are amended so that, if the conditions are met, the posthumously-conceived child may be considered in a determination of whether adequate provision for the proper support of the dependants of a deceased person has been made. (Section 71)

personne ou tout enfant touché par l'annulation présente les documents prescrits qui se trouvent en sa possession.

Modifications complémentaires d'autres lois

Le projet de loi modifie diverses autres lois afin de tenir compte des nouvelles règles de filiation, notamment :

1. Des modifications supprimant les mentions de personnes liées par le sang.
2. Des modifications supprimant les mentions de personnes qui sont les parents naturels d'un enfant.
3. Des modifications à la version française de lois pour remplacer le terme de «parent», comme traduction du terme anglais «relative», par celui de «membre de la famille».
4. Des modifications à la version française de lois pour modifier la traduction de «birth parent» (par opposition à «parent adoptif») de façon que le terme français désigne un parent «de naissance» plutôt qu'un parent «de sang».

De plus, le projet de loi apporte à plusieurs lois des modifications de fond en ce qui concerne la filiation ou les changements de nom.

Loi sur le changement de nom

À l'heure actuelle, s'il a enregistré le changement de nom d'une personne qui est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil est tenu de noter le changement sur l'enregistrement de la naissance de l'enfant dans certaines circonstances. Le projet de loi remplace la mention de mère, père ou autre parent par celle de parent.

Si la personne qui demande que le changement soit noté n'est pas l'enfant, elle doit obtenir de ce dernier tous les documents prescrits qui se trouvent en sa possession et les présenter, avec la demande, au registraire général de l'état civil, accompagnés de tous les documents prescrits qui se trouvent en la possession de la personne. Si c'est l'enfant qui demande que le changement soit noté sur l'enregistrement de sa naissance, il doit présenter au registraire général de l'état civil, avec la demande, les documents prescrits qui se trouvent en sa possession, accompagnés de tous les documents prescrits qu'il doit obtenir d'une personne dont le registraire général de l'état civil a enregistré le changement de nom et qui se trouvent en la possession de la personne. (Article 37)

Loi de 2006 sur la législation

L'actuel article 68 de la *Loi de 2006 sur la législation* prévoit que le masculin ou le féminin s'applique, lorsqu'il est employé dans la législation, à l'un ou l'autre sexe. Cet article est réédité pour prévoir que les termes sexospécifiques s'appliquent à n'importe quel genre. (Article 56)

Loi portant réforme du droit des successions

Le projet de loi apporte des modifications à la *Loi portant réforme du droit des successions* pour prévoir que, si des conditions précisées sont remplies, un enfant conçu après le décès d'un de ses parents est toujours un enfant et la descendance pour l'application de la Loi. Ces conditions sont précisées dans le nouvel article 1.1 de la Loi. L'article 47 de la Loi, qui porte sur le partage des biens d'une personne qui décède *ab intestat*, est modifié pour prévoir que si les conditions sont remplies, l'enfant conçu de façon posthume hérite comme s'il était né du vivant de la personne décédée et lui avait survécu. Les articles 57 et 59 de la Loi sont modifiés de sorte que, si les conditions sont remplies, l'enfant conçu de façon posthume peut être pris en considération dans une décision établissant si des dispositions suffisantes ont été prises pour que soient fournis des ali-

ments convenables aux personnes à charge d'une personne
décédée. (Article 71)

**An Act to amend the
Children's Law Reform Act,
the Vital Statistics Act
and various other Acts
respecting parentage and
related registrations**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CHILDREN'S LAW REFORM ACT

1. (1) Parts I and II of the *Children's Law Reform Act* are repealed and the following substituted:

**PART I
PARENTAGE**

INTERPRETATION AND APPLICATION

Definitions and interpretation, Part I

Definitions

1. (1) In this Part,

“assisted reproduction” means a method of conceiving other than by sexual intercourse; (“procréation assistée”)

“birth” means birth as defined in the *Vital Statistics Act* and includes a still-birth as defined in that Act; (“naissance”)

“birth parent” means, in relation to a child, the person who gives birth to the child; (“parent de naissance”)

“court” means the Family Court or the Superior Court of Justice; (“tribunal”)

“embryo” means embryo as defined in the *Assisted Human Reproduction Act* (Canada); (“embryon”)

“insemination by a sperm donor” means an attempt to conceive a child through sexual intercourse in the circumstances described in subsection 7 (4); (“insémination par un donneur de sperme”)

“reproductive material” means all or any part of a sperm, ovum or other human cell or a human gene; (“matériel reproductif”)

“spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage; (“conjoint”)

“surrogate” means a person who agrees to carry a child

**Loi modifiant la
Loi portant réforme du droit
de l'enfance, la Loi sur les statistiques
de l'état civil et diverses autres lois
en ce qui concerne la filiation
et les enregistrements connexes**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE

1. (1) Les parties I et II de la *Loi portant réforme du droit de l'enfance* sont abrogées et remplacées par ce qui suit :

**PARTIE I
FILIACTION**

INTERPRÉTATION ET APPLICATION

Définitions et interprétation : partie I

Définitions

1. (1) Les définitions qui suivent s'appliquent à la présente partie.

«conjoint» Personne avec laquelle une personne est mariée ou avec laquelle elle vit dans une union conjugale hors du mariage. («spouse»)

«embryon» S'entend au sens de la *Loi sur la procréation assistée* (Canada). («embryo»)

«insémination par un donneur de sperme» Tentative de conception d'un enfant par relation sexuelle dans les circonstances prévues au paragraphe 7 (4). («insemination by a sperm donor»)

«matériel reproductif» Tout ou partie d'une cellule humaine, y compris un ovule ou un spermatozoïde, ou d'un gène humain. («reproductive material»)

«naissance» La naissance au sens de la *Loi sur les statistiques de l'état civil*. S'entend en outre de la mortinaissance au sens de cette loi. («birth»)

«parent de naissance» Relativement à un enfant, s'entend de la personne qui lui donne naissance. («birth parent»)

«procréation assistée» Procréation résultant d'une méthode de conception autre que la relation sexuelle. («assisted reproduction»)

«substitut» Personne qui convient de porter un enfant conçu par procréation assistée si, au moment de la conception, elle a l'intention de céder, à une ou à plusieurs

conceived through assisted reproduction if, at the time of conception, the person intends to relinquish entitlement to parentage of the child, once born, to one or more persons. (“substitut”)

If marriage is void

(2) For the purposes of the definition of “spouse” in subsection (1), two persons who, in good faith, go through a form of marriage with each other that is void but who live in a conjugal relationship are deemed to be married during the time they live in a conjugal relationship, and the marriage is deemed to be terminated when they cease to do so.

Interpretation, conception through assisted reproduction

(3) For the purposes of this Part, a child conceived through assisted reproduction is deemed to have been conceived on the day the reproductive material or embryo used in the assisted reproduction is implanted in the birth parent.

Rules of construction

Relationship by blood or marriage

2. (1) For the purposes of construing any Act, regulation or, subject to subsection (3), instrument, unless a contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person,

- (a) includes a person who comes within that description by reason of the relationship of parent and child set out in this Part; and
- (b) in respect of a child conceived through assisted reproduction or through insemination by a sperm donor, does not include,
 - (i) a person who provided reproductive material or an embryo for use in the conception if that person is not a parent of the child, or
 - (ii) a person related to a person referred to in subclause (i).

Application to Acts, statutory instruments

(2) Subsection (1) applies to an Act, regulation or other instrument made under an Act, regardless of when it was enacted or made.

Application to other instruments

(3) In the case of an instrument that is not made under an Act,

- (a) subsection (1) applies to the instrument if it was made on or after the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force;

personnes, son droit à la filiation avec l'enfant une fois qu'il sera né. («surrogate»)

«tribunal» La Cour de la famille ou la Cour supérieure de justice. («court»)

Nullité du mariage

(2) Pour l'application de la définition de «conjoint» au paragraphe (1), deux personnes qui ont contracté, de bonne foi, une forme de mariage qui est nul d'une nullité absolue, mais qui vivent dans une union conjugale sont réputées mariées pendant la période durant laquelle elles vivent dans une telle union. Leur mariage est réputé prendre fin au moment où elles cessent de vivre dans une telle union.

Interprétation : conception par procréation assistée

(3) Pour l'application de la présente partie, l'enfant conçu par procréation assistée est réputé avoir été conçu le jour où le matériel reproductif ou l'embryon utilisé pour la procréation assistée est implanté dans le parent de naissance.

Règles d'interprétation

Liens par le sang ou par le mariage

2. (1) Aux fins de l'interprétation des lois, des règlements ou, sous réserve du paragraphe (3), des actes, sauf intention contraire manifeste, la mention d'une personne ou d'un groupe ou d'une catégorie de personnes décrites en fonction de ses liens du sang ou du mariage avec une autre personne :

- a) vaut mention de la personne qui correspond à cette description du fait du lien de filiation énoncé à la présente partie;
- b) ne vaut mention, à l'égard d'un enfant conçu par procréation assistée ou par insémination par un donneur de sperme :
 - (i) ni de la personne qui a fourni du matériel reproductif ou un embryon en vue de son utilisation pour la conception si elle n'est pas parent de l'enfant,
 - (ii) ni de la personne liée à une personne visée au sous-alinéa (i).

Application aux lois, règlements et autres textes réglementaires

(2) Le paragraphe (1) s'applique à une loi, à un règlement ou à un autre acte pris ou fait en vertu d'une loi, quel que soit le moment de son édicition, de sa prise ou de son adoption.

Application à d'autres textes

(3) Dans le cas d'un acte qui n'est pas fait en vertu d'une loi :

- a) le paragraphe (1) s'applique à l'acte s'il a été fait le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* ou après ce jour;

- (b) subsection (1) as it read immediately before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force continues to apply to an instrument made before that day, if it was made on or after March 31, 1978.

References assuming two parents

(4) If, under this Part, a child has more than two parents, a reference in any Act or regulation to the parents of the child that is not intended to exclude a parent shall, unless a contrary intention appears, be read as a reference to all of the child's parents, even if the terminology used assumes that a child would have no more than two parents.

References to “le père ou la mère”, “le père et la mère”, etc.

(5) For the purposes of construing the French version of any Act or regulation, unless a contrary intention appears, the terms “père” and “mère” used together, conjunctively or disjunctively, in relation to a child, shall be construed as referring to a parent or parents of the child as set out in this Part.

Application

3. This Part governs the determination of parentage for all purposes of the law of Ontario.

RULES OF PARENTAGE

Person is child of parents

4. (1) A person is the child of his or her parents.

Determining parent of a child

- (2) A parent of a child is,
- (a) a person who is a parent of the child under sections 6 to 13, except in the case of an adopted child;
- (b) in the case of an adopted child, a parent of the child as provided for under section 158 or 159 of the *Child and Family Services Act*.

Kindred relationships

(3) The relationship of parent and child set out in subsections (1) and (2) shall be followed in determining the kindred relationships that flow from it.

For all purposes of Ontario law

(4) For greater certainty, this section applies for all purposes of the law of Ontario.

Provision of reproductive material, embryo not determinative

5. A person who provides reproductive material or an embryo for use in the conception of a child through assisted reproduction is not, and shall not be recognized in law to be, a parent of the child unless he or she is a parent of the child under this Part.

Birth parent

6. (1) The birth parent of a child is, and shall be recognized in law to be, a parent of the child.

- b) le paragraphe (1) dans sa version en vigueur avant le jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)* continue de s'appliquer à un acte fait avant ce jour-là, s'il a été fait le 31 mars 1978 ou après cette date.

Mentions supposant deux parents

(4) Si, en vertu de la présente partie, un enfant a plus de deux parents, toute mention, dans une loi ou un règlement, des parents de l'enfant qui ne vise pas à exclure un parent vaut mention, sauf intention contraire manifeste, de tous les parents de l'enfant, même si la terminologie utilisée suppose qu'un enfant n'aurait pas plus de deux parents.

Mentions de «le père ou la mère», de «le père et la mère» et d'autres formulations analogues

(5) Aux fins de l'interprétation de la version française de toute loi ou de tout règlement, sauf intention contraire manifeste, les termes «père» et «mère», employés ensemble, de manière conjonctive ou disjonctive, relativement à un enfant, visent le parent ou les parents de l'enfant, comme il est énoncé à la présente partie.

Champ d'application

3. La présente partie régit l'établissement de la filiation dans le cadre du droit ontarien.

RÈGLES DE FILIATION

La personne est l'enfant de ses parents

4. (1) Une personne est l'enfant de ses parents.

Reconnaissance d'un parent d'un enfant

- (2) Un parent d'un enfant est :
- a) une personne qui est parent de l'enfant aux termes des articles 6 à 13, sauf dans le cas d'un enfant adopté;
- b) dans le cas d'un enfant adopté, un parent de l'enfant, comme le prévoit l'article 158 ou 159 de la *Loi sur les services à l'enfance et à la famille*.

Liens de parenté

(3) Le lien de filiation énoncé aux paragraphes (1) et (2) régit l'établissement des liens de parenté qui en découlent.

Application dans le cadre du droit ontarien

(4) Il est entendu que le présent article s'applique dans le cadre du droit ontarien.

Fourniture de matériel reproductif ou d'un embryon non déterminante

5. Toute personne qui fournit du matériel reproductif ou un embryon en vue de son utilisation pour la conception d'un enfant par procréation assistée n'est pas parent de l'enfant ni reconnue comme tel en droit, à moins d'être parent aux termes de la présente partie.

Parent de naissance

6. (1) Le parent de naissance d'un enfant est parent de l'enfant et est reconnu comme tel en droit.

Exception, surrogacy

(2) Subsection (1) is subject to the relinquishment of an entitlement to parentage by a surrogate under section 10, or to a declaration by a court to that effect under section 10 or 11.

Other biological parent, if sexual intercourse

7. (1) The person whose sperm resulted in the conception of a child conceived through sexual intercourse is, and shall be recognized in law to be, a parent of the child.

Presumption

(2) Unless the contrary is proven on a balance of probabilities, there is a presumption in respect of a child conceived through sexual intercourse that a person is, and shall be recognized in law to be, the parent referred to in subsection (1) if any of the following circumstances applies:

1. The person was the birth parent's spouse at the time of the child's birth.
2. The person was married to the child's birth parent by a marriage that was terminated by death or judgment of nullity within 300 days before the child's birth or by divorce where the judgment of divorce was granted within 300 days before the child's birth.
3. The person was living in a conjugal relationship with the child's birth parent before the child's birth and the child is born within 300 days after they cease to live in a conjugal relationship.
4. The person has certified the child's birth, as a parent of the child, under the *Vital Statistics Act* or a similar Act in another jurisdiction in Canada.
5. The person has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.

Conflicting presumptions

(3) If circumstances exist that give rise to a presumption by more than one person under subsection (2), no presumption shall be made under that subsection.

Non-application, insemination by a sperm donor

(4) This section is deemed not to apply to a person whose sperm is used to conceive a child through sexual intercourse if, before the child is conceived, the person and the intended birth parent agree in writing that the person does not intend to be a parent of the child.

Same, sperm donor not a parent

(5) A person to whom subsection (4) applies is not, and shall not be recognized in law to be, a parent of a child conceived in the circumstances set out in that subsection.

Exception : gestation pour autrui

(2) Le paragraphe (1) est subordonné à la cession par un substitut d'un droit à la filiation aux termes de l'article 10, ou à une déclaration à cet effet prononcée par un tribunal en vertu de l'article 10 ou 11.

Autre parent biologique en cas de relation sexuelle

7. (1) La personne dont le sperme a mené à la conception d'un enfant par relation sexuelle est parent de l'enfant et est reconnue comme tel en droit.

Présomption

(2) À moins que le contraire ne soit prouvé par la prépondérance des probabilités, il est présumé, à l'égard d'un enfant conçu par relation sexuelle, qu'une personne est le parent aux termes du paragraphe (1) et est reconnue comme tel en droit si l'une ou l'autre des circonstances suivantes s'applique :

1. La personne était le conjoint du parent de naissance à la naissance de l'enfant.
2. La personne était unie au parent de naissance de l'enfant par un mariage qui a été dissous soit par un décès ou un jugement de nullité dans les 300 jours qui ont précédé la naissance de l'enfant ou par un divorce si un jugement de divorce a été prononcé au cours de cette même période.
3. La personne vivait dans une union conjugale avec le parent de naissance de l'enfant avant la naissance de celui-ci et l'enfant est né dans les 300 jours après qu'ils ont cessé de vivre dans une telle union.
4. La personne a certifié la naissance de l'enfant, à titre de parent de l'enfant, aux termes de la *Loi sur les statistiques de l'état civil* ou d'une loi analogue d'une autre autorité législative du Canada.
5. Le statut de la personne en tant que parent de l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.

Présomptions contradictoires

(3) Si des circonstances donnent lieu à une présomption prévue au paragraphe (2) par plus d'une personne, aucune présomption n'est établie en application de ce paragraphe.

Non-application : insémination par un donneur de sperme

(4) Le présent article est réputé ne pas s'appliquer à la personne dont le sperme est utilisé pour concevoir un enfant par relation sexuelle si, avant la conception de l'enfant, cette personne et le parent de naissance d'intention conviennent par écrit que la personne n'a pas l'intention d'être parent de l'enfant.

Idem : donneur de sperme sans la qualité de parent

(5) La personne à laquelle s'applique le paragraphe (4) n'est pas parent d'un enfant conçu dans les circonstances énoncées à ce paragraphe et n'est pas reconnue comme tel en droit.

Birth parent's spouse, if assisted reproduction or insemination by sperm donor

Assisted reproduction

8. (1) If the birth parent of a child conceived through assisted reproduction had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.

Insemination by a sperm donor

(2) If the birth parent of a child conceived through insemination by a sperm donor had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.

Non-application, lack of consent

(3) This section does not apply if, before the child's conception,

- (a) the spouse did not consent to be a parent of the child; or
- (b) the spouse consented to be a parent of the child but withdrew the consent.

Non-application, surrogacy or posthumous conception

(4) This section does not apply if the birth parent is a surrogate or if the child is conceived after the death of a person declared under section 12 to be his or her parent.

Parents under pre-conception parentage agreements

Definition

9. (1) In this section,

“pre-conception parentage agreement” means a written agreement between two or more parties in which they agree to be, together, the parents of a child yet to be conceived.

Application

(2) This section applies with respect to a pre-conception parentage agreement only if,

- (a) there are no more than four parties to the agreement;
- (b) the intended birth parent is not a surrogate, and is a party to the agreement;
- (c) if the child is to be conceived through sexual intercourse but not through insemination by a sperm donor, the person whose sperm is to be used for the purpose of conception is a party to the agreement; and
- (d) if the child is to be conceived through assisted reproduction or through insemination by a sperm donor, the spouse, if any, of the person who intends to be the birth parent is a party to the agreement, subject to subsection (3).

Conjoint du parent de naissance en cas de procréation assistée ou d'insémination par un donneur de sperme

Procréation assistée

8. (1) Si le parent de naissance d'un enfant conçu par procréation assistée avait un conjoint au moment de la conception, ce conjoint est parent de l'enfant et est reconnu comme tel en droit.

Insémination par un donneur de sperme

(2) Si le parent de naissance d'un enfant conçu par insémination par un donneur de sperme avait un conjoint au moment de la conception, ce conjoint est parent de l'enfant et est reconnu comme tel en droit.

Non-application : absence de consentement

(3) Le présent article ne s'applique pas si, avant la conception de l'enfant :

- a) soit le conjoint n'a pas consenti à être parent de l'enfant;
- b) soit le conjoint a consenti à être parent de l'enfant, mais a retiré son consentement.

Non-application : gestation pour autrui ou conception posthume

(4) Le présent article ne s'applique pas si le parent de naissance est un substitut ou si l'enfant est conçu après le décès d'une personne déclarée son parent en vertu de l'article 12.

Parents visés par les conventions de filiation antérieures à la conception

Définition

9. (1) La définition qui suit s'applique au présent article.

«convention de filiation antérieure à la conception» Convention écrite entre deux parties ou plus selon laquelle elles conviennent d'être, ensemble, les parents d'un enfant qui n'est pas encore conçu.

Application

(2) Le présent article ne s'applique à l'égard d'une convention de filiation antérieure à la conception que si les conditions suivantes sont réunies :

- a) il n'y a pas plus de quatre parties à la convention;
- b) le parent de naissance d'intention n'est pas un substitut et est partie à la convention;
- c) si l'enfant doit être conçu par relation sexuelle, mais non par insémination par un donneur de sperme, la personne dont le sperme sera utilisé pour les besoins de la conception est partie à la convention;
- d) si l'enfant doit être conçu par procréation assistée ou par insémination par un donneur de sperme, le conjoint, le cas échéant, de la personne qui a l'intention d'être le parent de naissance est partie à la convention, sous réserve du paragraphe (3).

If spouse intends to not be a parent

(3) Clause (2) (d) does not apply if, before the child is conceived, the birth parent's spouse provides written confirmation that he or she does not consent to be a parent of the child and does not withdraw the confirmation.

Recognition of parentage

(4) On the birth of a child contemplated by a pre-conception parentage agreement, together with every party to a pre-conception parentage agreement who is a parent of the child under section 6 (birth parent), 7 (other biological parent) or 8 (birth parent's spouse), the other parties to the agreement are, and shall be recognized in law to be, parents of the child.

Surrogacy, up to four intended parents**Definitions**

10. (1) In this section and in section 11,

“intended parent” means a party to a surrogacy agreement, other than the surrogate; (“parent d'intention”)

“surrogacy agreement” means a written agreement between a surrogate and one or more persons respecting a child to be carried by the surrogate, in which,

- (a) the surrogate agrees to not be a parent of the child, and
- (b) each of the other parties to the agreement agrees to be a parent of the child. (“convention de gestation pour autrui”)

Application

(2) This section applies only if the following conditions are met:

1. The surrogate and one or more persons enter into a surrogacy agreement before the child to be carried by the surrogate is conceived.
2. The surrogate and the intended parent or parents each received independent legal advice before entering into the agreement.
3. Of the parties to the agreement, there are no more than four intended parents.
4. The child is conceived through assisted reproduction.

Recognition of parentage

(3) Subject to subsection (4), on the surrogate providing to the intended parent or parents consent in writing relinquishing the surrogate's entitlement to parentage of the child,

- (a) the child becomes the child of each intended parent and each intended parent becomes, and shall be recognized in law to be, a parent of the child; and
- (b) the child ceases to be the child of the surrogate and the surrogate ceases to be a parent of the child.

Conjoint n'ayant pas l'intention d'être parent

(3) L'alinéa (2) d) ne s'applique pas si, avant la conception de l'enfant, le conjoint du parent de naissance donne une confirmation écrite selon laquelle il ne consent pas à être parent de l'enfant et qu'il ne la retire pas.

Reconnaissance de la filiation

(4) À la naissance d'un enfant envisagé par une convention de filiation antérieure à la conception, conjointement avec chaque partie à la convention qui est parent de l'enfant aux termes de l'article 6 (parent de naissance), 7 (autre parent biologique) ou 8 (conjoint du parent de naissance), les autres parties à la convention sont parents de l'enfant et sont reconnus comme tels en droit.

Gestation pour autrui : maximum de quatre parents d'intention**Définitions**

10. (1) Les définitions qui suivent s'appliquent au présent article et à l'article 11.

«convention de gestation pour autrui» Convention écrite entre un substitut et une ou plusieurs personnes à l'égard d'un enfant qui doit être porté par le substitut, prévoyant ce qui suit :

- a) le substitut convient de ne pas être parent de l'enfant;
- b) chacune des autres parties à la convention convient d'être parent de l'enfant. («surrogacy agreement»)

«parent d'intention» Partie à une convention de gestation pour autrui, à l'exclusion du substitut. («intended parent»)

Application

(2) Le présent article ne s'applique que si les conditions suivantes sont réunies :

1. Le substitut et une ou plusieurs personnes concluent une convention de gestation pour autrui avant la conception de l'enfant qui doit être porté par le substitut.
2. Le substitut et le parent ou les parents d'intention reçoivent chacun un avis juridique indépendant avant de conclure la convention.
3. Parmi les parties à la convention, on ne compte pas plus de quatre parents d'intention.
4. L'enfant est conçu par procréation assistée.

Reconnaissance de la filiation

(3) Sous réserve du paragraphe (4), dès que le substitut donne au parent ou aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant :

- a) d'une part, l'enfant devient l'enfant de chaque parent d'intention, lequel devient parent de l'enfant et est reconnu comme tel en droit;
- b) d'autre part, l'enfant cesse d'être l'enfant du substitut, lequel cesse d'être parent de l'enfant.

Limitation

(4) The consent referred to in subsection (3) must not be provided before the child is seven days old.

Parental rights and responsibilities

(5) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parent or parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the child is seven days old, but any provision of the surrogacy agreement respecting parental rights and responsibilities after that period is of no effect.

Failure to give consent

(6) Any party to a surrogacy agreement may apply to the court for a declaration of parentage with respect to the child if the consent referred to in subsection (3) is not provided by the surrogate because,

- (a) the surrogate is deceased or otherwise incapable of providing the consent;
- (b) the surrogate cannot be located after reasonable efforts have been made to do so; or
- (c) the surrogate refuses to provide the consent.

Declaration

(7) If an application is made under subsection (6), the court may,

- (a) grant the declaration that is sought; or
- (b) make any other declaration respecting the parentage of a child born to the surrogate as the court sees fit.

Child's best interests

(8) The paramount consideration by the court in making a declaration under subsection (7) shall be the best interests of the child.

Effect of surrogacy agreement

(9) A surrogacy agreement is unenforceable in law, but may be used as evidence of,

- (a) an intended parent's intention to be a parent of a child contemplated by the agreement; and
- (b) a surrogate's intention to not be a parent of a child contemplated by the agreement.

Surrogacy, more than four intended parents

11. (1) If the conditions set out in subsection 10 (2) are met other than the condition set out in paragraph 3 of that subsection, any party to the surrogacy agreement may apply to the court for a declaration of parentage respecting a child contemplated by the agreement.

Time limit

(2) An application under subsection (1) may not be made,

Restriction de délai

(4) Le consentement mentionné au paragraphe (3) ne doit pas être donné avant que l'enfant ne soit âgé de sept jours.

Droits et responsabilités parentaux

(5) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et le parent ou les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à ce qu'il soit âgé de sept jours. Toutefois, après cette période, toute stipulation de la convention de gestation pour autrui touchant les droits et responsabilités parentaux est sans effet.

Défaut de consentement

(6) Toute partie à une convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard de l'enfant si le substitut ne donne pas le consentement mentionné au paragraphe (3) du fait que, selon le cas :

- a) il est décédé ou est par ailleurs incapable de donner le consentement;
- b) il ne peut être retrouvé à la suite d'efforts raisonnables déployés à cette fin;
- c) il refuse de donner le consentement.

Déclaration

(7) Si une requête est présentée en vertu du paragraphe (6), le tribunal peut :

- a) soit accorder la déclaration demandée;
- b) soit prononcer toute autre déclaration qu'il estime opportune à l'égard de la filiation d'un enfant né du substitut.

Intérêt véritable de l'enfant

(8) L'intérêt véritable de l'enfant est le critère prépondérant dont tient compte le tribunal lorsqu'il prononce une déclaration en vertu du paragraphe (7).

Effet de la convention de gestation pour autrui

(9) Toute convention de gestation pour autrui est inexécutoire en droit, mais peut être invoquée comme preuve de l'intention :

- a) d'un parent d'intention d'être parent d'un enfant envisagé par la convention;
- b) d'un substitut de ne pas être parent d'un enfant envisagé par la convention.

Gestation pour autrui : plus de quatre parents d'intention

11. (1) Si les conditions énoncées au paragraphe 10 (2) sont remplies à part celle énoncée à la disposition 3 de ce paragraphe, toute partie à la convention de gestation pour autrui peut demander au tribunal, par voie de requête, de prononcer une déclaration de filiation à l'égard d'un enfant envisagé par la convention.

Délai

(2) Une requête visée au paragraphe (1) ne peut être présentée :

- (a) until the child is born; and
- (b) unless the court orders otherwise, after the first anniversary of the child's birth.

Parental rights and responsibilities

(3) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parents share the rights and responsibilities of a parent in respect of the child from the time of the child's birth until the court makes a declaration of parentage respecting the child.

Declaration

(4) If an application is made under subsection (1), the court may make any declaration that the court may make under section 10 and, for the purpose, subsections 10 (8) and (9) apply with necessary modifications.

Post-birth consent of surrogate

(5) A declaration naming one or more intended parents as a parent of the child and determining that the surrogate is not a parent of the child shall not be made under subsection (4) unless, after the child's birth, the surrogate provides to the intended parents consent in writing relinquishing the surrogate's entitlement to parentage of the child.

Waiver

(6) Despite subsection (5), the court may waive the consent if any of the circumstances set out in subsection 10 (6) apply.

Posthumous conception

12. (1) A person who, at the time of a deceased person's death, was his or her spouse, may apply to the court for a declaration that the deceased person is a parent of a child conceived after his or her death through assisted reproduction.

Time limit

(2) An application under subsection (1) may not be made,

- (a) until the child is born; and
- (b) unless the court orders otherwise, later than 90 days after the child's birth.

Declaration

(3) The court may grant the declaration if the following conditions are met:

1. The deceased person consented in writing to be, together with the applicant, the parents of a child conceived posthumously through assisted reproduction, and did not withdraw the consent before his or her death.
2. If the child was born to a surrogate, the applicant is a parent of the child under section 10, and there is no other parent of the child.

- a) d'une part, avant la naissance de l'enfant;
- b) d'autre part, après le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.

Droits et responsabilités parentaux

(3) Sauf stipulation contraire de la convention de gestation pour autrui, le substitut et les parents d'intention partagent les droits et responsabilités d'un parent à l'égard de l'enfant à compter de la naissance de l'enfant jusqu'à ce que le tribunal prononce une déclaration de filiation à l'égard de l'enfant.

Déclaration

(4) Si une requête est présentée en vertu du paragraphe (1), le tribunal peut prononcer toute déclaration qu'il est habilité à prononcer en vertu de l'article 10 et, à cette fin, les paragraphes 10 (8) et (9) s'appliquent avec les adaptations nécessaires.

Consentement postnatal du substitut

(5) La déclaration qui désigne un ou plusieurs parents d'intention comme parent de l'enfant et qui établit que le substitut n'est pas parent de l'enfant ne doit pas être prononcée en vertu du paragraphe (4), à moins que, après la naissance de l'enfant, le substitut ne donne aux parents d'intention son consentement écrit à la cession de son droit à la filiation avec l'enfant.

Dispense

(6) Malgré le paragraphe (5), le tribunal peut dispenser du consentement exigé si l'une des situations visées au paragraphe 10 (6) s'applique.

Conception posthume

12. (1) La personne qui, au moment du décès d'une personne décédée, était son conjoint peut demander au tribunal, par voie de requête, une déclaration portant que la personne décédée est parent d'un enfant conçu par procréation assistée après son décès.

Délai

(2) Une requête visée au paragraphe (1) ne peut être présentée :

- a) d'une part, avant la naissance de l'enfant;
- b) d'autre part, plus de 90 jours après la naissance de l'enfant, sauf ordonnance contraire du tribunal.

Déclaration

(3) Le tribunal peut prononcer la déclaration si les conditions suivantes sont réunies :

1. La personne décédée a consenti par écrit à être, conjointement avec le requérant, les parents d'un enfant conçu de façon posthume par procréation assistée et n'a pas retiré le consentement avant son décès.
2. Si l'enfant était né d'un substitut, le requérant est parent de l'enfant aux termes de l'article 10 et il n'y a pas d'autre parent de l'enfant.

Declaration of parentage, general

13. (1) At any time after a child is born, any person having an interest may apply to the court for a declaration that a person is or is not a parent of the child.

Exception, adopted child

(2) Subsection (1) does not apply if the child is adopted.

Declaration

(3) If the court finds on the balance of probabilities that a person is or is not a parent of a child, the court may make a declaration to that effect.

Restriction

(4) Despite subsection (3), the court shall not make any of the following declarations of parentage respecting a child under that subsection unless the conditions set out in subsection (5) are met:

1. A declaration of parentage that results in the child having more than two parents.
2. A declaration of parentage that results in the child having as a parent one other person, in addition to his or her birth parent, if that person is not a parent of the child under section 7, 8 or 9.

Conditions

(5) The following conditions apply for the purposes of subsection (4):

1. The application for the declaration is made on or before the first anniversary of the child's birth, unless the court orders otherwise.
2. Every other person who is a parent of the child is a party to the application.
3. There is evidence that, before the child was conceived, every parent of the child and every person in respect of whom a declaration of parentage respecting that child is sought under the application intended to be, together, parents of the child.
4. The declaration is in the best interests of the child.

Reopening on new evidence

14. (1) If a declaration is made by the court under this Part and evidence becomes available that was not available at the hearing of the application, the court may, on application, set aside or vary the order and make any other orders or give any directions that the court considers necessary.

No effect on rights, property interests

(2) Setting aside an order under subsection (1) does not affect rights and duties that were exercised or performed, or interests in property that were distributed, before the order was set aside.

Déclarations de filiation : dispositions générales

13. (1) En tout temps après la naissance d'un enfant, toute personne ayant un intérêt peut demander au tribunal, par voie de requête, de prononcer une déclaration portant qu'une personne est ou n'est pas parent de l'enfant.

Exception : enfant adopté

(2) Le paragraphe (1) ne s'applique pas si l'enfant est adopté.

Déclaration

(3) S'il conclut, d'après la prépondérance des probabilités, qu'une personne est ou n'est pas parent d'un enfant, le tribunal peut prononcer une déclaration à cet effet.

Restriction

(4) Malgré le paragraphe (3), le tribunal ne peut prononcer l'une ou l'autre des déclarations de filiation suivantes à l'égard d'un enfant en vertu de ce paragraphe que si les conditions énoncées au paragraphe (5) sont remplies :

1. Une déclaration de filiation qui a pour conséquence que l'enfant a plus de deux parents.
2. Une déclaration de filiation qui a pour conséquence que l'enfant a une autre personne comme parent, en plus de son parent de naissance, si cette personne n'est pas parent de l'enfant aux termes de l'article 7, 8 ou 9.

Conditions

(5) Les conditions suivantes s'appliquent dans le cadre du paragraphe (4) :

1. La requête en déclaration est présentée au plus tard le premier anniversaire de naissance de l'enfant, sauf ordonnance contraire du tribunal.
2. Chaque autre personne qui est parent de l'enfant est partie à la requête.
3. Il existe des preuves que, avant la conception de l'enfant, chaque parent de l'enfant et chaque personne à propos de laquelle une déclaration de filiation à l'égard de cet enfant est demandée dans la requête avaient l'intention d'être, ensemble, parents de l'enfant.
4. La déclaration est dans l'intérêt véritable de l'enfant.

Nouveaux éléments de preuve

14. (1) Si une déclaration est prononcée par le tribunal en vertu de la présente partie et que sont mis à disposition des éléments de preuve qui ne l'étaient pas lors de l'audition de la requête, le tribunal peut, sur requête, annuler ou modifier l'ordonnance et rendre toute autre ordonnance ou donner toute directive qu'il estime nécessaire.

Aucune incidence sur les droits, obligations et intérêts

(2) L'annulation d'une ordonnance en vertu du paragraphe (1) ne porte pas atteinte aux droits exercés et aux obligations exécutées, ni aux intérêts à l'égard des biens ayant fait l'objet d'une répartition, avant l'annulation de l'ordonnance.

Effect of declaration

15. (1) A declaration made under this Part shall be recognized for all purposes.

Deemed effective from birth

(2) A declaration made under this Part is deemed to have been effective from the child's birth.

EXTRA-PROVINCIAL DECLARATORY ORDERS**Extra-provincial declaratory orders**

16. (1) In this section,

“extra-provincial declaratory order” means an order, or part of an order, that makes a declaration of parentage similar to a declaration that may be made under section 13, if it is made by a court or tribunal outside Ontario that has jurisdiction to make such an order.

Recognition of Canadian orders

(2) Subject to subsection (3), a court shall recognize an extra-provincial declaratory order made in another jurisdiction in Canada.

Exception

(3) A court may decline to recognize an extra-provincial declaratory order made in another jurisdiction in Canada if,

- (a) evidence becomes available that was not available during the proceeding that led to the making of the extra-provincial declaratory order; or
- (b) the court is satisfied that the extra-provincial declaratory order was obtained by fraud or duress.

Recognition of non-Canadian orders

(4) Subject to subsection (5), a court shall recognize an extra-provincial declaratory order that was made in a jurisdiction outside Canada if,

- (a) the child or at least one parent of the child was habitually resident in the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made; or
- (b) the child or at least one parent of the child had a real and substantial connection with the jurisdiction of the court or tribunal that made the extra-provincial declaratory order at the time the proceeding that led to its making was commenced or at the time the extra-provincial declaratory order was made.

Exception

(5) A court may decline to recognize an extra-provincial declaratory order made in a jurisdiction outside Canada,

Effet de la déclaration

15. (1) La déclaration prononcée en vertu de la présente partie est reconnue à toutes fins.

Déclaration réputée avoir pris effet à la naissance

(2) La déclaration prononcée en vertu de la présente partie est réputée avoir pris effet à partir de la naissance de l'enfant.

ORDONNANCES DÉCLARATOIRES EXTRAPROVINCIALES**Ordonnances déclaratoires extraprovinciales**

16. (1) La définition qui suit s'applique au présent article.

«ordonnance déclaratoire extraprovinciale» Ordonnance, ou partie d'une ordonnance, qui prononce une déclaration de filiation semblable à la déclaration qui peut être prononcée en vertu de l'article 13, si elle est rendue par un tribunal judiciaire ou autre à l'extérieur de l'Ontario ayant compétence pour rendre une telle ordonnance.

Reconnaissance des ordonnances canadiennes

(2) Sous réserve du paragraphe (3), un tribunal reconnaît une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada.

Exception

(3) Un tribunal peut refuser de reconnaître une ordonnance déclaratoire extraprovinciale rendue dans une autre province ou un territoire du Canada si, selon le cas :

- a) sont mis à disposition des éléments de preuve qui ne l'étaient pas à l'instance au cours de laquelle l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) le tribunal est convaincu que l'ordonnance déclaratoire extraprovinciale a été obtenue par fraude ou contrainte.

Reconnaissance des ordonnances non canadiennes

(4) Sous réserve du paragraphe (5), un tribunal reconnaît l'ordonnance déclaratoire extraprovinciale qui a été rendue à l'étranger si, selon le cas :

- a) l'enfant ou au moins un de ses parents avait sa résidence habituelle dans le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue;
- b) l'enfant ou au moins un de ses parents avait des liens étroits et véritables avec le ressort du tribunal judiciaire ou autre qui a rendu cette ordonnance au moment où l'instance qui a abouti à son prononcé a été introduite ou au moment où l'ordonnance déclaratoire extraprovinciale a été rendue.

Exception

(5) Un tribunal peut refuser de reconnaître une ordonnance déclaratoire extraprovinciale rendue à l'étranger :

- (a) in the circumstances described in clause (3) (a) or (b); or
- (b) if the extra-provincial declaratory order is contrary to public policy in Ontario.

Effect of recognition of order

(6) An extra-provincial declaratory order that is recognized by the court shall be deemed to be an order of the court under section 13, and shall be treated for all purposes as if it were an order made under that section.

OTHER MATTERS

Corresponding change of surname

17. (1) Any person declared under section 10, 11 or 13 to be a parent of a child may apply to the court for an order that the child's surname be changed to any surname that the child could have been given at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*.

Same

(2) An application under subsection (1) to change a child's surname may be made at the same time as an application for a declaration under section 10, 11 or 13.

Best interests of the child

(3) An order under subsection (1) changing a child's surname may be made only if it is in the best interests of the child.

Admissibility in evidence of acknowledgment against interest

18. A written acknowledgment of parentage that is admitted in evidence in any proceeding against the interest of the person making the acknowledgment is proof, in the absence of evidence to the contrary, of the fact.

Blood, DNA tests

19. (1) On the application of a party in a proceeding in which the court is called on to determine a child's parentage, the court may give the party leave to obtain a blood test, DNA test or any other test the court considers appropriate of a person named in the order granting leave, and to submit the results in evidence.

Conditions

(2) The court may impose conditions, as it thinks proper, on an order under subsection (1).

Consent to procedure

(3) The *Health Care Consent Act, 1996* applies to the test as if it were treatment under that Act.

Inference from refusal

(4) If a person named in an order under subsection (1) refuses to submit to the test, the court may draw such inferences as it thinks appropriate.

- a) dans les circonstances visées à l'alinéa (3) a) ou b);
- b) si l'ordonnance déclaratoire extraprovinciale est contraire à l'intérêt public en Ontario.

Effet de la reconnaissance de l'ordonnance

(6) L'ordonnance déclaratoire extraprovinciale qui est reconnue par le tribunal est réputée être une ordonnance du tribunal visée à l'article 13 et est traitée, à tous égards, comme si elle avait été rendue en vertu de cet article.

AUTRES QUESTIONS

Changement de nom de famille correspondant

17. (1) Toute personne déclarée parent d'un enfant en vertu de l'article 10, 11 ou 13 peut demander au tribunal, par voie de requête, de rendre une ordonnance changeant le nom de famille de l'enfant pour lui donner tout nom de famille qu'il aurait pu recevoir à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l'état civil*.

Idem

(2) La requête visée au paragraphe (1) demandant le changement du nom de famille d'un enfant peut être présentée en même temps qu'une requête demandant l'obtention d'une déclaration en vertu de l'article 10, 11 ou 13.

Intérêt véritable de l'enfant

(3) Une ordonnance visée au paragraphe (1) qui change le nom de famille d'un enfant ne peut être rendue que si elle est dans l'intérêt véritable de l'enfant.

Admissibilité en preuve de la reconnaissance de filiation

18. La reconnaissance écrite de filiation admise en preuve dans une instance contre l'intérêt de son auteur constitue, en l'absence de preuve contraire, la preuve des faits qu'y sont énoncés.

Analyse de sang, test d'ADN ou autre test

19. (1) Sur requête d'une partie à une instance dans laquelle il est appelé à décider de la filiation d'un enfant, le tribunal peut autoriser cette partie à obtenir une analyse de sang, un test d'ADN ou tout autre test que le tribunal juge approprié d'une personne nommée dans l'ordonnance d'autorisation, et à en présenter les résultats en preuve.

Conditions

(2) Le tribunal peut, s'il le juge opportun, assortir de conditions une ordonnance visée au paragraphe (1).

Consentement à l'analyse ou au test

(3) La *Loi de 1996 sur le consentement aux soins de santé* s'applique à l'analyse ou au test comme s'il s'agissait d'un traitement visé par cette loi.

Inférences en cas de refus de se soumettre

(4) Si une personne nommée dans une ordonnance visée au paragraphe (1) refuse de se soumettre à une analyse ou à un test, le tribunal peut en tirer les inférences qu'il juge appropriées.

Exception

(5) Subsection (4) does not apply if the refusal is the decision of a substitute decision-maker as defined in section 9 of the *Health Care Consent Act, 1996*.

Confidentiality

20. Section 70 applies with necessary modifications if a proceeding includes an application under this Part.

Court statement

21. On the making of a declaratory order under this Part that a person is or is not a parent of a child, the clerk of the court shall file with the Registrar General a statement, in the form provided by the Ministry of the Attorney General, respecting the order.

Certified copies of documents filed with the Registrar General**Court statement**

22. (1) On application and payment of the required fee under the *Vital Statistics Act*, any person may obtain from the Registrar General a certified copy of a statement filed under section 21.

Statutory declaration of parentage

(2) On application and payment of the required fee under the *Vital Statistics Act*, any person who has an interest, provides substantially accurate particulars and satisfies the Registrar General as to the reason for requiring it may obtain from the Registrar General a certified copy of a statutory declaration filed under section 12 of this Act as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016* came into force.

Certified copy as evidence

(3) A certified copy obtained under this section that is signed by the Registrar General or Deputy Registrar General, or on which the signature of either is reproduced by any method, is admissible in any court in Ontario as proof, in the absence of evidence to the contrary, of the filing and contents of the statement.

Duties of Registrar General

23. Nothing in this Act shall be construed as requiring the Registrar General to amend a registration showing parentage other than in recognition of an order made under this Part and in accordance with the requirements of the *Vital Statistics Act*.

(2) Subsection 17 (1) of the Act, as enacted by subsection 1 (1), is amended by striking out “at birth under subsection 10 (3), (3.1), (4) or (5) of the *Vital Statistics Act*” at the end and substituting “under subsection 10 (3) or (3.1) of the *Vital Statistics Act* if the child had

Exception

(5) Le paragraphe (4) ne s’applique pas si le refus est la décision d’un mandataire spécial au sens de l’article 9 de la *Loi de 1996 sur le consentement aux soins de santé*.

Confidentialité

20. L’article 70 s’applique avec les adaptations nécessaires si une instance comprend une requête visée à la présente partie.

Déclaration du tribunal

21. Lorsqu’une ordonnance déclaratoire portant qu’une personne est ou n’est pas parent d’un enfant est rendue en vertu de la présente partie, le greffier du tribunal dépose auprès du registraire général de l’état civil une déclaration relative à l’ordonnance, rédigée selon la formule fournie par le ministère du Procureur général.

Copies certifiées conformes de documents déposés auprès du registraire général**Déclaration du tribunal**

22. (1) Sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l’état civil*, quiconque peut obtenir du registraire général de l’état civil une copie certifiée conforme d’une déclaration déposée en application de l’article 21.

Déclaration solennelle de filiation

(2) Quiconque y a un intérêt fournit des détails suffisamment précis et convainc le registraire général de l’état civil du bien-fondé de sa demande peut, sur demande et après acquittement des droits exigés en application de la *Loi sur les statistiques de l’état civil*, obtenir de ce dernier une copie certifiée conforme de la déclaration solennelle déposée en vertu de l’article 12 de la présente loi, dans sa version antérieure au jour de l’entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l’égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Admissibilité en preuve des copies certifiées conformes

(3) La copie certifiée conforme obtenue en vertu du présent article, qui est signée par le registraire général de l’état civil ou le registraire général adjoint de l’état civil ou qui porte la signature de l’un ou de l’autre reproduite d’une façon quelconque, est admissible en preuve devant un tribunal de l’Ontario et constitue la preuve, en l’absence de preuve contraire, du dépôt de la déclaration et de son contenu.

Obligations du registraire général de l’état civil

23. La présente loi n’a pas pour effet d’obliger le registraire général de l’état civil à modifier un enregistrement indiquant une filiation si ce n’est en conformité avec une ordonnance rendue en vertu de la présente partie et conformément aux exigences de la *Loi sur les statistiques de l’état civil*.

(2) Le paragraphe 17 (1) de la Loi, tel qu’il est édicté par le paragraphe 1 (1), est modifié par remplacement de «à la naissance en vertu du paragraphe 10 (3), (3.1), (4) ou (5) de la *Loi sur les statistiques de l’état civil*» par «en vertu du paragraphe 10 (3) ou (3.1) de la

been born at the time of the declaration”.

2. (1) Subsection 20 (1) of the Act is repealed and the following substituted:

Entitlement to custody

(1) Except as otherwise provided in this Part, a child's parents are equally entitled to custody of the child.

(2) The French version of subsections 20 (2) and (3) of the Act is amended by striking out “d'un père ou d'une mère” wherever it appears and substituting in each case “d'un parent”.

(3) The French version of subsection 20 (4) of the Act is amended by striking out “son père ou sa mère” and substituting “l'un d'eux”.

(4) The French version of subsection 20 (5) of the Act is amended by striking out “de père ou de mère” and substituting “de parent”.

3. The French version of subsection 21 (1) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

4. The French version of the following provisions of the Act is amended by striking out “ni le père ni la mère” wherever it appears and substituting in each case “pas un parent”:

1. Subsection 21.1 (1).

2. Subsection 21.2 (2).

5. (1) The French version of subsections 21.3 (1) and (2) of the Act is repealed and the following substituted:

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) The French version of clause 21.3 (7) (c) of the Act is amended by striking out “qui n'est ni le père ni la mère de l'enfant” and substituting “qui n'est pas parent de l'enfant”.

6. (1) The French version of clause 22 (2) (a) of the Act is amended by striking out “son père et sa mère” and substituting “ses parents”.

Loi sur les statistiques de l'état civil s'il était déjà né au moment de la déclaration» à la fin du paragraphe.

2. (1) Le paragraphe 20 (1) de la Loi est abrogé et remplacé par ce qui suit :

Droit de garde

(1) Sauf disposition contraire de la présente partie, les parents d'un enfant jouissent d'un droit de garde égal à l'égard de l'enfant.

(2) La version française des paragraphes 20 (2) et (3) de la Loi est modifiée par remplacement de «d'un père ou d'une mère» par «d'un parent» partout où figurent ces mots.

(3) La version française du paragraphe 20 (4) de la Loi est modifiée par remplacement de «son père ou sa mère» par «l'un d'eux».

(4) La version française du paragraphe 20 (5) de la Loi est modifiée par remplacement de «de père ou de mère» par «de parent».

3. La version française du paragraphe 21 (1) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

4. La version française des dispositions suivantes de la Loi est modifiée par remplacement de «ni le père ni la mère» par «pas un parent» partout où figurent ces mots :

1. Le paragraphe 21.1 (1).

2. Le paragraphe 21.2 (2).

5. (1) La version française des paragraphes 21.3 (1) et (2) de la Loi est abrogée et remplacée par ce qui suit :

Autres instances

Requête par une personne qui n'est pas parent

(1) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le greffier du tribunal fournit au tribunal ainsi qu'aux parties des renseignements écrits à l'égard des instances en droit de la famille en cours ou antérieures mettant en cause l'enfant ou toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

Idem

(2) Si une requête en vue d'obtenir la garde d'un enfant est présentée par une personne qui n'est pas parent de l'enfant, le tribunal peut exiger que le greffier du tribunal lui fournisse ainsi qu'aux parties des renseignements écrits à l'égard des instances criminelles en cours ou antérieures mettant en cause toute personne qui est partie à la requête et qui n'est pas parent de l'enfant.

(2) La version française de l'alinéa 21.3 (7) c) de la Loi est modifiée par remplacement de «qui n'est ni le père ni la mère de l'enfant» par «qui n'est pas parent de l'enfant».

6. (1) La version française de l'alinéa 22 (2) a) de la Loi est modifiée par remplacement de «son père et sa mère» par «ses parents».

(2) The French version of clause 22 (2) (b) of the Act is amended by striking out “son père ou sa mère” and substituting “l’un d’eux”.

(3) The French version of clause 22 (2) (c) of the Act is amended by striking out “n’est ni son père, ni sa mère” and substituting “est autre qu’un parent”.

7. (1) Clause 24 (2) (h) of the Act is repealed and the following substituted:

(h) any familial relationship between the child and each person who is a party to the application.

(2) The French version of the following provisions of the Act is amended by striking out “que père ou mère” wherever it appears and substituting in each case “que parent”:

1. Clause 24 (2) (g).

2. Clause 24 (3) (b).

3. Subsection 24 (4), in the portion before clause (a).

(3) The French version of clause 24 (4) (b) of the Act is amended by striking out “le père ou la mère” and substituting “un parent”.

8. The French version of subsection 47 (1) of the Act is amended by striking out “du père ou de la mère” and substituting “d’un parent”.

9. (1) The French version of subsection 48 (1) of the Act is amended by striking out “le père et la mère” and substituting “les parents”.

(2) The French version of subsection 48 (2) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Le parent”.

10. (1) The French version of clause 51 (1) (b) of the Act is amended by striking out “le père ou la mère” and substituting “le parent”.

(2) The French version of subsection 51 (3) of the Act is repealed and the following substituted:

Reçu ou quittance

(3) Le reçu ou la quittance pour de l’argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l’enfant, le parent chez qui l’enfant habite ou la personne qui a la garde légitime de l’enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l’enfant.

(3) The French version of subsection 51 (4) of the Act is amended by striking out “Le père ou la mère” at the beginning and substituting “Un parent”.

11. The French version of subsection 55 (2) of the Act is repealed and the following substituted:

Cas où le cautionnement n’est pas nécessaire

(2) Le paragraphe (1) ne s’applique pas si le tribunal nomme comme tuteur aux biens d’un enfant un parent de l’enfant et qu’il est d’avis qu’il est approprié de ne pas exiger du parent le dépôt d’un cautionnement.

(2) La version française de l’alinéa 22 (2) b) de la Loi est modifiée par remplacement de «son père ou sa mère» par «l’un d’eux».

(3) La version française de l’alinéa 22 (2) c) de la Loi est modifiée par remplacement de «n’est ni son père, ni sa mère» par «est autre qu’un parent».

7. (1) L’alinéa 24 (2) h) de la Loi est abrogé et remplacé par ce qui suit :

h) les éventuels liens familiaux entre l’enfant et chaque personne qui est partie à la requête.

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «que père ou mère» par «que parent» partout où figurent ces mots :

1. L’alinéa 24 (2) g).

2. L’alinéa 24 (3) b).

3. Le paragraphe 24 (4), dans le passage qui précède l’alinéa a).

(3) La version française de l’alinéa 24 (4) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

8. La version française du paragraphe 47 (1) de la Loi est modifiée par remplacement de «du père ou de la mère» par «d’un parent».

9. (1) La version française du paragraphe 48 (1) de la Loi est modifiée par remplacement de «le père et la mère» par «les parents».

(2) La version française du paragraphe 48 (2) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Le parent» au début du paragraphe.

10. (1) La version française de l’alinéa 51 (1) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «le parent».

(2) La version française du paragraphe 51 (3) de la Loi est abrogée et remplacée par ce qui suit :

Reçu ou quittance

(3) Le reçu ou la quittance pour de l’argent ou des biens meubles ne dépassant pas le montant ou la valeur indiqués au paragraphe (1) que reçoit, au nom de l’enfant, le parent chez qui l’enfant habite ou la personne qui a la garde légitime de l’enfant a la même valeur que si le tribunal avait nommé le parent ou cette personne comme tuteur aux biens de l’enfant.

(3) La version française du paragraphe 51 (4) de la Loi est modifiée par remplacement de «Le père ou la mère» par «Un parent» au début du paragraphe.

11. La version française du paragraphe 55 (2) de la Loi est abrogée et remplacée par ce qui suit :

Cas où le cautionnement n’est pas nécessaire

(2) Le paragraphe (1) ne s’applique pas si le tribunal nomme comme tuteur aux biens d’un enfant un parent de l’enfant et qu’il est d’avis qu’il est approprié de ne pas exiger du parent le dépôt d’un cautionnement.

12. The French version of subsection 59 (1) of the Act is amended by striking out “du père ou de la mère” in the portion before clause (a) and substituting “d’un parent”.

13. The French version of subsection 61 (3) of the Act is amended by striking out “La mère ou le père célibataire” at the beginning and substituting “Le parent célibataire”.

14. Clause 62 (3) (a) of the Act is repealed and the following substituted:

(a) the child’s parents;

15. The French version of subsection 63 (1) of the Act is amended by striking out “qui est le père ou la mère d’un enfant” and substituting “qui est parent d’un enfant”.

VITAL STATISTICS ACT

16. (1) The definition of “birth” in section 1 of the *Vital Statistics Act* is repealed and the following substituted:

“birth” means the complete expulsion or extraction from a person of a fetus that did at any time after being completely expelled or extracted from the person breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached; (“naissance”)

(2) The French version of the definition of “birth parent” in section 1 of the Act is repealed and the following substituted:

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l’enregistrement initial, le cas échéant, de la naissance de la personne adoptée et toute autre personne prescrite. («birth parent»)

(3) The definition of “still-birth” in section 1 of the Act is amended by striking out “from its mother” and substituting “from a person”.

17. (1) Subsection 9 (1) of the Act is repealed and the following substituted:

Certification of birth

(1) The parents of a child born in Ontario, or one of them in such circumstances as may be prescribed, or such other person as may be prescribed, shall certify the child’s birth in the manner, including providing such information and documentation as may be prescribed, within the time and to the person prescribed by the regulations.

(2) Subsection 9 (7) of the Act is repealed and the following substituted:

Same

(7) On receiving a certified copy of a declaratory order under Part I of the *Children’s Law Reform Act* respecting the parentage of a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child’s parents shown on the registration, in accordance with the order.

12. La version française du paragraphe 59 (1) de la Loi est modifiée par remplacement de «du père ou de la mère» par «d’un parent» dans le passage qui précède l’alinéa a).

13. La version française du paragraphe 61 (3) de la Loi est modifiée par remplacement de «La mère ou le père célibataire» par «Le parent célibataire» au début du paragraphe.

14. L’alinéa 62 (3) a) de la Loi est abrogé et remplacé par ce qui suit :

a) les parents de l’enfant;

15. La version française du paragraphe 63 (1) de la Loi est modifiée par remplacement de «qui est le père ou la mère d’un enfant» par «qui est parent d’un enfant».

LOI SUR LES STATISTIQUES DE L’ÉTAT CIVIL

16. (1) La définition de «naissance» à l’article 1 de la *Loi sur les statistiques de l’état civil* est abrogée et remplacée par ce qui suit :

«naissance» Expulsion ou extraction complète du corps d’une personne, d’un foetus qui, après cette expulsion ou extraction, respirait ou donnait un autre signe de vie, que le cordon ombilical ait été coupé ou non, ou que le placenta soit resté attaché ou non. («birth»)

(2) La version française de la définition de «père ou mère de sang» à l’article 1 de la Loi est abrogée et remplacée par ce qui suit :

«parent de naissance» Relativement à une personne adoptée, personne dont le nom figure en tant que parent sur l’enregistrement initial, le cas échéant, de la naissance de la personne adoptée et toute autre personne prescrite. («birth parent»)

(3) La définition de «mortinaissance» à l’article 1 de la Loi est modifiée par remplacement de «de la mère» par «d’une personne».

17. (1) Le paragraphe 9 (1) de la Loi est abrogé et remplacé par ce qui suit :

Certificat de naissance

(1) Les parents d’un enfant né en Ontario, ou l’un d’eux dans les circonstances prescrites, ou toute autre personne prescrite certifie la naissance de l’enfant de la manière prescrite par les règlements, notamment en fournissant les renseignements et la documentation prescrits, dans les délais et à la personne que prescrivent les règlements.

(2) Le paragraphe 9 (7) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(7) Sur réception d’une copie certifiée conforme d’une ordonnance déclaratoire rendue en vertu de la partie I de la *Loi portant réforme du droit de l’enfance* à l’égard de la filiation d’un enfant dont la naissance a été enregistrée en Ontario, le registraire général de l’état civil modifie les détails sur les parents de l’enfant qui figurent sur l’enregistrement, conformément à l’ordonnance.

(3) Subsection 9 (8) of the Act is amended by striking out “section 6.1” and substituting “section 17”.

18. (1) The French version of paragraph 1 of subsection 10 (3) of the Act is repealed and the following substituted:

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Subsection (1) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(3) The French version of paragraph 1 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by striking out “le père et la mère” and substituting “les deux parents”.

(4) The French version of paragraph 2 of subsection 10 (3) of the Act is repealed and the following substituted:

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) The French version of paragraph 3 of subsection 10 (3) of the Act is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Subsection (5) applies only if it comes into force before subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016 comes into force.

(7) The French version of paragraph 3 of subsection 10 (3) of the Act, as re-enacted by subsection 1 (2) of

(3) Le paragraphe 9 (8) de la Loi est modifié par remplacement de «l'article 6.1» par «l'article 17».

18. (1) La version française de la disposition 1 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

1. Si les deux parents certifient la naissance de l'enfant, ils peuvent convenir de lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(2) Le paragraphe (1) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

(3) La version française de la disposition 1 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifiée par remplacement de «le père et la mère» par «les deux parents».

(4) La version française de la disposition 2 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

2. Si les deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille de l'enfant, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents.

(5) La version française de la disposition 3 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille ou l'ancien nom de famille de l'un ou l'autre parent ou un nom de famille comprenant un seul nom de famille ou ancien nom de famille de chacun des parents, unis par un trait d'union ou accolés.

(6) Le paragraphe (5) ne s'applique que s'il entre en vigueur avant l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

(7) La version française de la disposition 3 du paragraphe 10 (3) de la Loi, telle qu'elle est rééditée par le

Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) The French version of paragraph 5 of subsection 10 (3) of the Act is repealed and the following substituted:

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) Section 10 of the Act is amended by adding the following subsection:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child the surname or former surname of any of the certifying parents, or a surname consisting of the surname or former surname of each certifying parent, hyphenated or combined.
2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may give the child the surname or former surname of any of the parents, or a surname consisting of the surname or former surname of each parent, hyphenated or combined.
3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certi-

paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogée et remplacée par ce qui suit :

3. Si un des parents certifie la naissance de l'enfant et que l'autre parent est empêché d'agir pour cause de maladie ou de décès, le parent qui certifie la naissance de l'enfant peut lui donner le nom de famille qu'il choisit.

(8) La version française de la disposition 5 du paragraphe 10 (3) de la Loi est abrogée et remplacée par ce qui suit :

5. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, l'enfant reçoit le nom de famille suivant, selon le cas :
 - i. le nom de famille des parents, s'ils ont le même nom de famille,
 - ii. un nom de famille comprenant les noms de famille des deux parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, s'ils ont des noms de famille différents,
 - iii. si seulement un des parents est connu, le nom de famille de ce parent.

(9) L'article 10 de la Loi est modifié par adjonction du paragraphe suivant :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents certificateurs, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent certificateur, unis par un trait d'union ou accolés.
2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut donner à l'enfant le nom de famille ou l'ancien nom de famille de l'un ou l'autre des parents, ou un nom de famille comprenant le nom de famille ou l'ancien nom de famille de chaque parent, unis par un trait d'union ou accolés.
3. Si au moins deux parents certifient la naissance de l'enfant, mais ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de

fyng parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

4. If a person who is not the child's parent certifies the child's birth, the child shall be given a surname consisting of each of the parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.

(10) Subsection 10 (3.1) of the Act, as enacted by subsection (9), is repealed and the following substituted:

How child's surname determined if more than two parents

(3.1) If a child has more than two parents, subsection (3) does not apply, and the child's surname shall be determined as follows:

1. If two or more parents certify the child's birth, they may agree to give the child a surname chosen by them.
2. If any of the parents are incapable of certifying the child's birth by reason of illness or death,
 - i. the remaining parents who certify the child's birth may agree to give the child a surname chosen by them, or
 - ii. if there is only one remaining parent who certifies the child's birth, that parent may determine the child's surname.
3. If two or more parents certify the child's birth but do not agree on the child's surname, the child shall be given a surname consisting of each of the certifying parents' surnames hyphenated or combined in alphabetical order, except that if any of those parents share a surname it shall be used only once.
4. If a person who is not the child's parent certifies the child's birth, the child shall be given the surname of the person who gave birth to the child.

(11) Clause 10 (5) (a) of the Act, as re-enacted by subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

- (a) the child's parents, if they each certify the child's birth and agree on the name; or

19. Section 13 of the Act is repealed.

20. Section 14 of the Act is repealed.

21. (1) The Act is amended by adding the following section:

famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.

(10) Le paragraphe 10 (3.1) de la Loi, tel qu'il est édicté par le paragraphe (9), est abrogé et remplacé par ce qui suit :

Choix du nom de famille de l'enfant qui a plus de deux parents

(3.1) Si un enfant a plus de deux parents, le paragraphe (3) ne s'applique pas et le nom de famille de l'enfant est choisi de la façon suivante :

1. Si au moins deux parents certifient la naissance de l'enfant, ils peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent.
2. Si l'un ou l'autre des parents est incapable de certifier la naissance de l'enfant pour cause de maladie ou de décès :
 - i. les autres parents qui certifient la naissance de l'enfant peuvent convenir de donner à l'enfant le nom de famille qu'ils choisissent,
 - ii. s'il n'y a qu'un seul autre parent qui certifie la naissance de l'enfant, ce parent peut choisir le nom de famille de l'enfant.
3. Si au moins deux parents certifient la naissance de l'enfant mais qu'ils ne s'entendent pas sur le nom de famille à donner à l'enfant, celui-ci reçoit un nom de famille comprenant le nom de famille de chacun des parents certificateurs, unis par un trait d'union ou accolés dans l'ordre alphabétique, sauf que si des parents ont le même nom de famille, celui-ci ne doit être utilisé qu'une seule fois.
4. Si une personne qui n'est pas parent de l'enfant certifie sa naissance, celui-ci reçoit le nom de famille de la personne qui lui a donné naissance.

(11) L'alinéa 10 (5) a) de la Loi, tel qu'il est réédité par le paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

- a) soit par les parents de l'enfant, si chacun d'eux certifie la naissance de l'enfant et qu'ils s'entendent sur le nom;

19. L'article 13 de la Loi est abrogé.

20. L'article 14 de la Loi est abrogé.

21. (1) La Loi est modifiée par adjonction de l'article suivant :

Transition, election to change name of child under 12

14.1 (1) The references in this section to section 14 are to that section as it read immediately before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

Same

(2) If a person making an election under subsection 14 (1) has submitted the election to the Registrar General on or before the day section 20 of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force, whether or not the person is required to give a notice under subsection 14 (3), then, despite that section 20, section 14 of this Act continues to apply to the person and the Registrar General.

(2) Section 14.1 of the Act is repealed.

22. Subsection 15 (1) of the Act is amended by adding “under subsection 10 (2) or a predecessor of that subsection or under a predecessor of this Act” after “forename” in the portion before clause (a).

23. Section 17 of the Act is repealed.

24. (1) Subsection 31 (1) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Person born in Ontario, name changed outside of Ontario

(1) If the name of a person whose birth is registered in Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, the Registrar General shall note the change on the person's birth registration if,

- (a) the Registrar General receives the prescribed evidence that satisfies the Registrar General that the name of the person has so changed; and
- (b) the following conditions are met if an applicant has requested the Registrar General to note the change on the birth registration:
 - (i) the Registrar General receives evidence that satisfies the Registrar General as to the identity of the person and receives all prescribed documents that are in the person's possession, and
 - (ii) the applicant pays the required fee, if any.

Return of documents

(1.1) If the Registrar General has noted a change on a

Disposition transitoire : décision de changer le nom d'un enfant âgé de moins de 12 ans

14.1 (1) Les mentions, au présent article, de l'article 14 valent mention de cet article dans sa version antérieure au jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

Idem

(2) Si la personne qui prend une décision en vertu du paragraphe 14 (1) a transmis sa décision au registraire général de l'état civil au plus tard le jour de l'entrée en vigueur de l'article 20 de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*, que la personne soit tenue ou non de donner un avis en application du paragraphe 14 (3), l'article 14 de la présente loi continue de s'appliquer à la personne et au registraire général de l'état civil, et ce malgré l'article 20.

(2) L'article 14.1 de la Loi est abrogé.

22. Le paragraphe 15 (1) de la Loi est modifié par insertion de «par application du paragraphe 10 (2) ou d'un paragraphe qu'il remplace ou par application d'une loi que la présente loi remplace» après «prénom» dans le passage qui précède l'alinéa a).

23. L'article 17 de la Loi est abrogé.

24. (1) Le paragraphe 31 (1) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Personne née en Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne dont la naissance est enregistrée en Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de la personne si les conditions suivantes sont réunies :

- a) le registraire général de l'état civil reçoit la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé;
- b) si un auteur de demande a demandé au registraire général de l'état civil de noter le changement sur l'enregistrement de la naissance, il est satisfait aux conditions suivantes :
 - (i) le registraire général de l'état civil reçoit une preuve qui le convainc de l'identité de la personne ainsi que tous les documents prescrits qui se trouvent en la possession de celle-ci,
 - (ii) l'auteur de la demande acquitte les droits exigés, le cas échéant.

Remise de documents

(1.1) S'il a noté un changement sur l'enregistrement de

person's birth registration under subsection (1) and no applicant requested that it be done, the Registrar General may request the person to submit all prescribed documents that are in the person's possession and the person shall comply with the request.

(2) Subsection 31 (3) of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" in the portion before clause (a) and substituting "a parent".

(3) Subsection 31 (7) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out "the mother, father or other parent" and substituting "a parent".

(4) Subsections 31 (8) and (9) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(8) A person who requests the notation of a change on the person's marriage registration under subsection (2) shall submit, with the request, all the prescribed documents that are in the person's possession.

Same, for child's birth registration

(8.1) A person who requests the notation of a change on a child's birth registration under subsection (3) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(9) A child who requests the notation of a change on the child's birth registration under subsection (7) shall,

- (a) collect from the person on whose birth registration the Registrar General noted a change of name under subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(5) Section 31 of the Act, as re-enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by adding the following subsections:

la naissance d'une personne en application du paragraphe (1) alors que nul n'en a fait la demande, le registraire général de l'état civil peut demander à la personne de présenter tous les documents prescrits qui se trouvent en la possession de celle-ci et la personne doit obtempérer.

(2) Le paragraphe 31 (3) de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(3) Le paragraphe 31 (7) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent».

(4) Les paragraphes 31 (8) et (9) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(8) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de son mariage en application du paragraphe (2) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d'un enfant

(8.1) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (3) fait ce qui suit :

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(9) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (7) fait ce qui suit :

- a) il obtient de la personne dont l'enregistrement de la naissance a été modifié par le registraire général de l'état civil pour noter un changement de nom en application du paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(5) L'article 31 de la Loi, tel qu'il est réédité par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents to provide

(13) If the Registrar General notes an annulment of a change of name of a person under subsection (12), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession;
- (b) the applicant under subsection (1) submit to the Registrar General all of the prescribed documents that are in the applicant's possession if the applicant is not the person; and
- (c) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(14) A person who receives a request under subsection (13) shall comply with it.

25. (1) Subsection 31.1 (1) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Person born outside of Ontario, name changed outside of Ontario

(1) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, if the person is married and if there is a registration of that marriage in Ontario, the Registrar General shall note the change on that marriage registration if,

- (a) the person so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession.

(2) Subsection 31.1 (2) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Birth registration of child

(2) If the name of a person born outside of Ontario has

Documents à fournir

(13) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (12), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) l'auteur de la demande visé au paragraphe (1) présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession, si l'auteur de la demande n'est pas la personne;
- c) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(14) La personne qui reçoit une demande présentée en vertu du paragraphe (13) y obtempère.

25. (1) Le paragraphe 31.1 (1) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Personne née à l'extérieur de l'Ontario : changement de nom fait à l'extérieur de l'Ontario

(1) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est mariée et que ce mariage a fait l'objet d'un enregistrement en Ontario, le registraire général de l'état civil note le changement sur cet enregistrement de mariage si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne.

(2) Le paragraphe 31.1 (2) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Enregistrement de la naissance d'un enfant

(2) Si le nom d'une personne née à l'extérieur de

been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state and if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario, the Registrar General shall note the change on the child's birth registration if,

- (a) the person so requests and pays the required fee, if any;
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the person's possession; and
- (c) subject to subsections (3), (4) and (5), the child consents, if the child is at least 16 years of age at the time of the request.

(3) Subsection 31.1 (2) of the Act, as re-enacted by subsection (2), is amended by striking out “the mother, father or other parent” in the portion before clause (a) and substituting “a parent”.

(4) Subsection 31.1 (6) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is repealed and the following substituted:

Request by child

(6) If the name of a person born outside of Ontario has been changed in accordance with the law of a province or territory of Canada, other than Ontario, or of a foreign state, if the person is named as the mother, father or other parent on the birth registration of a child born in Ontario and if the child is at least 16 years of age, the Registrar General shall note the change on the child's birth registration if,

- (a) the child so requests and pays the required fee, if any; and
- (b) the Registrar General receives,
 - (i) evidence that satisfies the Registrar General as to the identity of the person,
 - (ii) the prescribed evidence that satisfies the Registrar General that the name of the person has so changed, and
 - (iii) all prescribed documents that are in the child's possession.

(5) Subsection 31.1 (6) of the Act, as re-enacted by subsection (4), is amended by striking out “the mother,

l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, et que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) la personne en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de la personne;
- c) sous réserve des paragraphes (3), (4) et (5), l'enfant consent au changement, s'il est âgé d'au moins 16 ans au moment où la demande est présentée.

(3) Le paragraphe 31.1 (2) de la Loi, tel qu'il est réédité par le paragraphe (2), est modifié par remplacement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(4) Le paragraphe 31.1 (6) de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

Demande de l'enfant

(6) Si le nom d'une personne née à l'extérieur de l'Ontario a été changé conformément aux lois d'une province ou d'un territoire du Canada, autre que l'Ontario, ou d'un État étranger, que la personne est nommée comme la mère, le père ou l'autre parent sur l'enregistrement de la naissance d'un enfant né en Ontario et que l'enfant est âgé d'au moins 16 ans, le registraire général de l'état civil note le changement sur l'enregistrement de la naissance de l'enfant si les conditions suivantes sont réunies :

- a) l'enfant en fait la demande et acquitte les droits exigés, le cas échéant;
- b) le registraire général de l'état civil reçoit ce qui suit :
 - (i) une preuve qui le convainc de l'identité de la personne,
 - (ii) la preuve prescrite qui le convainc que le nom de la personne a ainsi été changé,
 - (iii) tous les documents prescrits qui se trouvent en la possession de l'enfant.

(5) Le paragraphe 31.1 (6) de la Loi, tel qu'il est réédité par le paragraphe (4), est modifié par rem-

father or other parent” in the portion before clause (a) and substituting “a parent”.

(6) Subsections 31.1 (7) and (8) of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, are repealed and the following substituted:

Documents to provide

(7) A person who requests the notation of a change on a child's birth registration under subsection (2) shall,

- (a) collect from the child all the prescribed documents that are in the child's possession; and
- (b) submit, with the request, all the prescribed documents that are in the person's possession and all the prescribed documents that the person has collected under clause (a).

Documents for request by child

(8) A child who requests the notation of a change on the child's birth registration under subsection (6) shall,

- (a) collect from the person whose name has been changed as described in subsection (1) all the prescribed documents that are in the person's possession; and
- (b) submit, with the request, all the prescribed documents that are in the child's possession and all the prescribed documents that the child has collected under clause (a).

(7) Section 31.1 of the Act, as enacted by section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by adding the following subsections:

Documents to provide

(10) If the Registrar General notes an annulment of a change of name of a person under subsection (9), the Registrar General may request that,

- (a) the person submit to the Registrar General all of the prescribed documents that are in the person's possession; and
- (b) a child submit to the Registrar General all of the prescribed documents that are in the child's possession if the change of name that is annulled was noted on the birth registration of the child.

Compliance with request

(11) A person who receives a request under subsection (10) shall comply with it.

26. The French version of clause 44 (3) (b) of the Act is amended by striking out “le père ou la mère” and substituting “un parent”.

placement de «la mère, le père ou l'autre parent» par «parent» dans le passage qui précède l'alinéa a).

(6) Les paragraphes 31.1 (7) et (8) de la Loi, tels qu'ils sont édictés par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(7) La personne qui demande l'inscription d'une note relative à un changement sur l'enregistrement de la naissance d'un enfant en application du paragraphe (2) fait ce qui suit :

- a) elle obtient de l'enfant tous les documents prescrits qui se trouvent en la possession de l'enfant;
- b) elle présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'elle a obtenus en application de l'alinéa a).

Documents : demande par l'enfant

(8) L'enfant qui demande l'inscription d'une note relative à un changement sur l'enregistrement de sa naissance en application du paragraphe (6) fait ce qui suit :

- a) il obtient de la personne dont le nom a été changé conformément au paragraphe (1) tous les documents prescrits qui se trouvent en la possession de la personne;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu'il a obtenus en application de l'alinéa a).

(7) L'article 31.1 de la Loi, tel qu'il est édicté par l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*, est modifié par adjonction des paragraphes suivants :

Documents à fournir

(10) S'il note l'annulation du changement de nom d'une personne en application du paragraphe (9), le registraire général de l'état civil peut demander que soit fait ce qui suit :

- a) la personne présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession;
- b) si le changement de nom qui est annulé a été noté sur l'enregistrement de la naissance d'un enfant, l'enfant présente au registraire général de l'état civil tous les documents prescrits qui se trouvent en sa possession.

Obligation d'obtempérer

(11) La personne qui reçoit une demande présentée en vertu du paragraphe (10) y obtempère.

26. La version française de l'alinéa 44 (3) b) de la Loi est modifiée par remplacement de «le père ou la mère» par «un parent».

27. (1) The French version of subsections 48.1 (5), (6) and (7) of the Act is repealed and the following substituted:

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) The French version of subsection 48.1 (8) of the Act is amended by striking out "le père ou la mère de sang ou les deux" and substituting "l'un ou l'autre des parents de naissance ou les deux".

(3) The French version of subsection 48.1 (9) of the Act is amended by striking out "S'il y a uniquement soit un père soit une mère de sang et qu'un veto sur la divulgation présenté par ce père ou cette mère de sang" at the beginning and substituting "S'il y a uniquement un parent de naissance et qu'un veto sur la divulgation présenté par celui-ci".

(4) The French version of subsection 48.1 (10) of the Act is amended by striking out "S'il y a à la fois un père et une mère de sang" at the beginning and substituting "S'il y a deux parents de naissance".

(5) The French version of subsection 48.1 (11) of the Act is amended by,

- (a) striking out "S'il y a à la fois un père et une mère de sang" at the beginning and substituting "S'il y a deux parents de naissance";

27. (1) La version française des paragraphes 48.1 (5), (6) et (7) de la Loi est abrogée et remplacée par ce qui suit :

Effet de l'avis du désir de non-communication

(5) S'il y a uniquement un parent de naissance et qu'un avis présenté par celui-ci en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec le parent de naissance, directement ou non.

Idem

(6) S'il y a deux parents de naissance et que des avis présentés par chacun d'eux en vertu du paragraphe 48.4 (3) sont en vigueur, le registraire général de l'état civil ne doit pas donner les copies non certifiées conformes à l'auteur de la demande à moins que celui-ci ne consente par écrit à ne pas communiquer ou tenter de communiquer avec les parents de naissance, directement ou non.

Idem

(7) S'il y a deux parents de naissance et qu'un seul avis présenté par l'un d'eux en vertu du paragraphe 48.4 (3) est en vigueur, le registraire général de l'état civil fait ce qui suit :

- a) il donne les copies non certifiées conformes à l'auteur de la demande si celui-ci consent par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur;
- b) si l'auteur de la demande refuse de consentir par écrit à ne pas communiquer ou tenter de communiquer, directement ou non, avec le parent de naissance dont l'avis est en vigueur, il supprime les renseignements identificatoires concernant ce parent de naissance des copies non certifiées conformes et lui donne les copies ainsi épurées.

(2) La version française du paragraphe 48.1 (8) de la Loi est modifiée par remplacement de «le père ou la mère de sang ou les deux» par «l'un ou l'autre des parents de naissance ou les deux».

(3) La version française du paragraphe 48.1 (9) de la Loi est modifiée par remplacement de «S'il y a uniquement soit un père soit une mère de sang et qu'un veto sur la divulgation présenté par ce père ou cette mère de sang» par «S'il y a uniquement un parent de naissance et qu'un veto sur la divulgation présenté par celui-ci» au début du paragraphe.

(4) La version française du paragraphe 48.1 (10) de la Loi est modifiée par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.1 (11) de la Loi est modifiée :

- a) par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe;

- (b) striking out “le père ou la mère de sang” and substituting “le parent de naissance”.

28. (1) The French version of subsection 48.2 (1) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(2) The French version of subsection 48.2 (2) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Le parent de naissance”.

(3) The French version of clauses 48.2 (7) (a) and (b) of the Act is repealed and the following substituted:

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l'égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu'il a effet uniquement à l'égard d'un parent de naissance.

29. (1) The French version of subsection 48.3 (1) of the Act is amended by striking out “son père ou sa mère de sang” and substituting “un parent de naissance”.

(2) The French version of subsection 48.3 (4) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d'un parent de naissance”.

30. (1) The French version of subsection 48.4 (1) of the Act is amended by striking out “son père ou sa mère de sang” at the end and substituting “un parent de naissance”.

(2) The French version of subsection 48.4 (6) of the Act is amended by striking out “de son père ou de sa mère de sang” and substituting “d'un parent de naissance”.

31. (1) The French version of subsection 48.5 (1) of the Act is amended by striking out “au père et à la mère de sang” and substituting “aux parents de naissance”.

(2) The French version of subsection 48.5 (2) of the Act is amended by striking out “à son père ou à sa mère de sang” at the end and substituting “à un parent de naissance”.

(3) The French version of subsection 48.5 (3) of the Act is amended by striking out “S'il y a à la fois un père et une mère de sang” at the beginning and substituting “S'il y a deux parents de naissance”.

(4) The French version of subsection 48.5 (5) of the Act is amended by striking out “Le père ou la mère de sang” at the beginning and substituting “Un parent de naissance”.

(5) The French version of subsection 48.5 (9) of the Act is amended by striking out “de son père ou de sa mère de sang ou de chacun d'eux n'entre pas en vi-

- b) par remplacement de «le père ou la mère de sang» par «le parent de naissance».

28. (1) La version française du paragraphe 48.2 (1) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(2) La version française du paragraphe 48.2 (2) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Le parent de naissance» au début du paragraphe.

(3) La version française des alinéas 48.2 (7) a) et b) de la Loi est abrogée et remplacée par ce qui suit :

- a) à aucun parent de naissance qui demande ces renseignements en vertu du paragraphe (1), si le veto sur la divulgation ne précise pas de parent de naissance à l'égard duquel il a effet;
- b) au parent de naissance qui est précisé si le veto sur la divulgation précise qu'il a effet uniquement à l'égard d'un parent de naissance.

29. (1) La version française du paragraphe 48.3 (1) de la Loi est modifiée par remplacement de «son père ou sa mère de sang» par «un parent de naissance».

(2) La version française du paragraphe 48.3 (4) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance».

30. (1) La version française du paragraphe 48.4 (1) de la Loi est modifiée par remplacement de «son père ou sa mère de sang» par «un parent de naissance» à la fin du paragraphe.

(2) La version française du paragraphe 48.4 (6) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance».

31. (1) La version française du paragraphe 48.5 (1) de la Loi est modifiée par remplacement de «au père et à la mère de sang» par «aux parents de naissance».

(2) La version française du paragraphe 48.5 (2) de la Loi est modifiée par remplacement de «à son père ou à sa mère de sang» par «à un parent de naissance» à la fin du paragraphe.

(3) La version française du paragraphe 48.5 (3) de la Loi est modifiée par remplacement de «S'il y a à la fois un père et une mère de sang» par «S'il y a deux parents de naissance» au début du paragraphe.

(4) La version française du paragraphe 48.5 (5) de la Loi est modifiée par remplacement de «Le père ou la mère de sang» par «Un parent de naissance» au début du paragraphe.

(5) La version française du paragraphe 48.5 (9) de la Loi est modifiée par remplacement de «de son père ou de sa mère de sang ou de chacun d'eux n'entre pas

gueur à l'égard du père ou de la mère de sang" and substituting "d'un des parents de naissance ou des deux n'entre pas en vigueur à l'égard du parent de naissance".

32. (1) The French version of subsection 56.1 (1) of the Act is amended by,

- (a) striking out "que son père ou sa mère de sang" and substituting "qu'un parent de naissance"; and
- (b) striking out "ou celle-ci".

(2) The French version of subsection 56.1 (2) of the Act is amended by,

- (a) striking out "il ou elle" and substituting "un parent de naissance"; and
- (b) striking out "le père ou la mère de sang de celle-ci" and substituting "ce parent de naissance".

(3) The French version of subsection 56.1 (4) of the Act is amended by,

- (a) striking out "de son père ou de sa mère de sang" and substituting "d'un parent de naissance"; and
- (b) striking out "ou à celle-ci".

33. (1) Clause 60 (1) (i.2) of the Act is amended by striking out "subsection 10 (5), sections 19, 21 and 22 and subsection 26 (1)" and substituting "subsection 10 (4), sections 19, 21 and 22 and subsections 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) and (13) and 31.1 (1), (2), (6), (7), (8), (9) and (10)".

(2) The French version of clause 60 (1) (r) of the Act is amended by striking out "père ou mère de sang" and substituting "parent de naissance".

(3) The French version of clause 60 (1) (r.2) of the Act is repealed and the following substituted:

- r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) Clause 60 (1) (t) of the Act is repealed.

34. (1) The French version of the following provisions of the Act is amended by striking out "un père ou une mère de sang" wherever it appears and substituting in each case "un parent de naissance":

1. Subsection 48.1 (4).
2. Subsections 48.3 (2) and (5).
3. Subsections 48.4 (3) and (7).
4. Subsections 48.5 (10) and (13).
5. Subsection 56.1 (3).
6. Clause 60 (1) (r.1).

en vigueur à l'égard du père ou de la mère de sang» par «d'un des parents de naissance ou des deux n'entre pas en vigueur à l'égard du parent de naissance».

32. (1) La version française du paragraphe 56.1 (1) de la Loi est modifiée :

- a) par remplacement de «que son père ou sa mère de sang» par «qu'un parent de naissance»;
- b) par suppression de «ou celle-ci».

(2) La version française du paragraphe 56.1 (2) de la Loi est modifiée :

- a) par remplacement de «il ou elle» par «un parent de naissance»;
- b) par remplacement de «le père ou la mère de sang de celle-ci» par «ce parent de naissance».

(3) La version française du paragraphe 56.1 (4) de la Loi est modifiée :

- a) par remplacement de «de son père ou de sa mère de sang» par «d'un parent de naissance»;
- b) par suppression de «ou à celle-ci».

33. (1) L'alinéa 60 (1) i.2) de la Loi est modifié par remplacement de «au paragraphe 10 (5), aux articles 19, 21 et 22 et au paragraphe 26 (1)» par «au paragraphe 10 (4), aux articles 19, 21 et 22 et aux paragraphes 26 (1), 31 (1), (1.1), (8), (8.1), (9), (12) et (13) et 31.1 (1), (2), (6), (7), (8), (9) et (10)».

(2) La version française de l'alinéa 60 (1) r) de la Loi est modifiée par remplacement de «père ou mère de sang» par «parent de naissance».

(3) La version française de l'alinéa 60 (1) r.2) de la Loi est abrogée et remplacée par ce qui suit :

- r.2) régir la divulgation de renseignements concernant une adoption dans les cas où un particulier a fait l'objet de plus d'une ordonnance d'adoption enregistrée, notamment prévoir que la totalité ou une partie des articles 48.1, 48.2, 48.3, 48.4 et 48.5 ne s'appliquent pas à une personne adoptée ou à un parent de naissance ou à des catégories de personnes adoptées ou de parents de naissance;

(4) L'alinéa 60 (1) t) de la Loi est abrogé.

34. (1) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «un père ou une mère de sang» par «un parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.1 (4).
2. Les paragraphes 48.3 (2) et (5).
3. Les paragraphes 48.4 (3) et (7).
4. Les paragraphes 48.5 (10) et (13).
5. Le paragraphe 56.1 (3).
6. L'alinéa 60 (1) r.1).

(2) The French version of the following provisions of the Act is amended by striking out “le père ou la mère de sang” wherever it appears and substituting in each case “le parent de naissance”:

1. Subsection 48.3 (6).
2. Subsection 48.4 (8).
3. Subsections 48.5 (6) and (11).

COMPLEMENTARY AMENDMENTS TO OTHER ACTS

Anatomy Act

35. The French version of the following provisions of the *Anatomy Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 3 (1) (a).
2. Subsection 3 (3).

Business Corporations Act

36. (1) The French version of clauses (d) and (e) of the definition of “associate” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

(2) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

Change of Name Act

37. (1) Subsection 5 (2.1) of the *Change of Name Act* is repealed and the following substituted:

Same

(2.1) If a person is declared under section 10, 11 or 13 of the *Children’s Law Reform Act* to be a parent of a child and obtains an order under section 17 of that Act changing the child’s surname, an application under subsection (1) also requires that person’s written consent.

(2) Clause 6 (2) (d) of the Act is amended by striking out “the person’s father and mother” at the end and substituting “the person’s parents”.

(3) Clause 6 (2) (r) of the Act is repealed and the following substituted:

(r) any other information or documents that are prescribed.

(4) Subsection 7 (1.2) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by striking out “the mother, father or other parent” in the portion before clause (a) and substituting “a parent”.

(5) Subsection 7 (1.6) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016, is amended by

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «le père ou la mère de sang» par «le parent de naissance» partout où figurent ces mots :

1. Le paragraphe 48.3 (6).
2. Le paragraphe 48.4 (8).
3. Les paragraphes 48.5 (6) et (11).

MODIFICATIONS COMPLÉMENTAIRES D’AUTRES LOIS

Loi sur l’anatomie

35. La version française des dispositions suivantes de la *Loi sur l’anatomie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L’alinéa 3 (1) a).
2. Le paragraphe 3 (3).

Loi sur les sociétés par actions

36. (1) La version française des alinéas d) et e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les sociétés par actions* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

(2) La version française de l’alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «parent» par «membre de la famille».

Loi sur le changement de nom

37. (1) Le paragraphe 5 (2.1) de la *Loi sur le changement de nom* est abrogé et remplacé par ce qui suit :

Idem

(2.1) Si une personne est déclarée parent d’un enfant en vertu de l’article 10, 11 ou 13 de la *Loi portant réforme du droit de l’enfance* et qu’elle obtient une ordonnance, prévue à l’article 17 de cette loi, changeant le nom de famille de l’enfant, son consentement écrit est également requis pour la présentation d’une demande visée au paragraphe (1).

(2) L’alinéa 6 (2) d) de la Loi est modifié par remplacement de «de son père et de sa mère» par «de ses parents».

(3) L’alinéa 6 (2) r) de la Loi est abrogé et remplacé par ce qui suit :

r) les autres renseignements ou documents prescrits.

(4) Le paragraphe 7 (1.2) de la Loi, tel qu’il est édicté par le paragraphe 6 (1) de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui et demain (mesures budgétaires)*, est modifié par remplacement de «comme la mère, le père ou l’autre parent» par «comme parent» dans le passage qui précède l’alinéa a).

(5) Le paragraphe 7 (1.6) de la Loi, tel qu’il est édicté par le paragraphe 6 (1) de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui*

striking out “the mother, father or other parent” and substituting “a parent”.

(6) Subsections 7 (1.7) and (1.8) of the Act, as enacted by subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, are repealed and the following substituted:

Documents to provide

(1.7) An applicant or person who requests the notation of a change on the person’s marriage registration under subsection (1.1) shall submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be.

Same, for child’s birth registration

(1.7.1) An applicant or person who requests the notation of a change on a child’s birth registration under subsection (1.2) shall,

- (a) collect from the child all the prescribed documents that are in the child’s possession; and
- (b) submit, with the request, all the prescribed documents that are in the possession of the applicant or person, as the case may be, and all the prescribed documents that the applicant or person, as the case may be, has collected under clause (a).

Documents for request by child

(1.8) A child who requests the notation of a change on the child’s birth registration under subsection (1.6) shall,

- (a) if the Registrar General has registered a change of name of a person under subsection (1), collect from the person all the prescribed documents that are in the person’s possession; and
- (b) submit, with the request, all the prescribed documents that are in the child’s possession and all the prescribed documents that the child has collected under clause (a).

(7) Clause 13 (g.1) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is amended by striking out “7 (1.7)” and substituting “7 (1.7), (1.7.1)”.

(8) Clause 13 (g.2) of the Act, as enacted by section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016*, is repealed and the following substituted:

- (g.2) prescribing information or documents for the purposes of clause 6 (2) (r);

Child and Family Services Act

38. (1) The French version of subparagraph 3 iv of subsection 1 (2) of the *Child and Family Services Act* is amended by striking out “de ses parents et des mem-

et demain (mesures budgétaires), est modifié par remplacement de «comme la mère, le père ou l’autre parent» par «comme parent».

(6) Les paragraphes 7 (1.7) et (1.8) de la Loi, tels qu’ils sont édictés par le paragraphe 6 (1) de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui et demain (mesures budgétaires)*, sont abrogés et remplacés par ce qui suit :

Documents à fournir

(1.7) L’auteur de la demande ou la personne qui demande qu’un changement soit noté sur l’enregistrement du mariage de la personne en application du paragraphe (1.1) présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession.

Idem : enregistrement de la naissance d’un enfant

(1.7.1) L’auteur de la demande ou la personne qui demande qu’un changement soit noté sur l’enregistrement de la naissance d’un enfant en application du paragraphe (1.2) fait ce qui suit :

- a) il obtient de l’enfant tous les documents prescrits qui se trouvent en la possession de l’enfant;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu’il a obtenus en application de l’alinéa a).

Documents : demande par l’enfant

(1.8) L’enfant qui demande qu’un changement soit noté sur l’enregistrement de sa naissance en application du paragraphe (1.6) fait ce qui suit :

- a) si le registraire général de l’état civil a enregistré le changement de nom d’une personne en application du paragraphe (1), l’enfant obtient de la personne tous les documents prescrits qui se trouvent en la possession de celle-ci;
- b) il présente, avec la demande, tous les documents prescrits qui se trouvent en sa possession et tous les documents prescrits qu’il a obtenus en application de l’alinéa a).

(7) L’alinéa 13 g.1) de la Loi, tel qu’il est édicté par l’article 9 de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui et demain (mesures budgétaires)*, est modifié par remplacement de «7 (1.7)» par «7 (1.7), (1.7.1)».

(8) L’alinéa 13 g.2) de la Loi, tel qu’il est édicté par l’article 9 de l’annexe 4 de la *Loi de 2016 favorisant la création d’emplois pour aujourd’hui et demain (mesures budgétaires)*, est abrogé et remplacé par ce qui suit :

- g.2) prescrire des renseignements ou des documents pour l’application de l’alinéa 6 (2) r);

Loi sur les services à l’enfance et à la famille

38. (1) La version française de la sous-disposition 3 iv du paragraphe 1 (2) de la *Loi sur les services à l’enfance et à la famille* est modifiée par remplacement

bres de sa famille élargie” and substituting “des membres de sa parenté, de sa famille élargie”.

(2) The definition of “extended family” in subsection 3 (1) of the Act is amended by striking out “related by blood, through a spousal relationship or through adoption” and substituting “related, including through a spousal relationship or adoption”.

(3) The definition of “relative” in subsection 3 (1) of the Act is repealed and the following substituted:

“relative” means, with respect to a child, a person who is the child’s grandparent, great-uncle, great-aunt, uncle or aunt, including through a spousal relationship or adoption; (“membre de la parenté”)

(4) Subsection 3 (2) of the Act is repealed and the following substituted:

Interpretation, “parent”

(2) Unless this Act provides otherwise, a reference in this Act to a parent of a child is deemed to be a reference to,

- (a) the person who has lawful custody of the child; or
- (b) if more than one person has lawful custody of the child, all of the persons who have lawful custody of the child, excluding any person who is unavailable or unable to act as the context requires.

(5) The definition of “parent” in subsection 37 (1) of the Act is repealed and the following substituted:

“parent”, when used in reference to a child, means each of the following persons, but does not include a foster parent:

1. A parent of the child under section 6, 8, 9, 10, 11 or 13 of the *Children’s Law Reform Act*.
2. In the case of a child conceived through sexual intercourse, an individual described in one of paragraphs 1 to 5 of subsection 7 (2) of the *Children’s Law Reform Act*, unless it is proved on a balance of probabilities that the sperm used to conceive the child did not come from the individual.
3. An individual who has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.
4. In the case of an adopted child, a parent of the child as provided for under section 158 or 159.
5. An individual who has lawful custody of the child.
6. An individual who, during the 12 months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support.

de «de ses parents et des membres de sa famille élargie» par «des membres de sa parenté, de sa famille élargie».

(2) La définition de «famille élargie» au paragraphe 3 (1) de la Loi est modifiée par remplacement de «lié par le sang, une union conjugale ou l’adoption» par «lié, notamment par une union conjugale ou l’adoption».

(3) La définition de «parent» au paragraphe 3 (1) de la Loi est abrogée et remplacée par ce qui suit :

«membre de la parenté» Relativement à un enfant, s’entend d’une personne qui est son grand-père, sa grand-mère, son grand-oncle, sa grand-tante, son oncle ou sa tante, notamment par une union conjugale ou l’adoption. («relative»)

(4) Le paragraphe 3 (2) de la Loi est abrogé et remplacé par ce qui suit :

Interprétation, «père ou mère»

(2) Sauf disposition contraire de la présente loi, la mention dans la présente loi de la mère ou du père d’un enfant est réputée une mention, selon le cas :

- a) de la personne qui a la garde légitime de l’enfant;
- b) si plus d’une personne a la garde légitime de l’enfant, de toutes les personnes qui en ont la garde légitime, à l’exclusion de celle qui n’est pas disponible ou qui est incapable d’agir, selon le contexte.

(5) La définition de «père ou mère» au paragraphe 37 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend de chacune des personnes suivantes, à l’exclusion toutefois d’un père ou d’une mère de famille d’accueil :

1. Un parent de l’enfant, aux termes de l’article 6, 8, 9, 10, 11 ou 13 de la *Loi portant réforme du droit de l’enfance*.
2. Dans le cas d’un enfant conçu par relation sexuelle, tout particulier visé à l’une des dispositions 1 à 5 du paragraphe 7 (2) de la *Loi portant réforme du droit de l’enfance*, à moins qu’il ne soit prouvé par la prépondérance des probabilités que le sperme utilisé pour concevoir l’enfant ne provenait pas du particulier.
3. Le particulier dont le statut en tant que parent de l’enfant a été établi ou reconnu par un tribunal compétent hors de l’Ontario.
4. Dans le cas d’un enfant adopté, le père ou la mère de l’enfant comme le prévoit l’article 158 ou 159.
5. Le particulier qui a la garde légitime de l’enfant.
6. Le particulier qui, au cours des 12 mois qui ont précédé l’intervention en vertu de la présente partie, a manifesté l’intention bien arrêtée de traiter l’enfant comme s’il s’agissait d’un enfant de sa famille ou a reconnu le lien de filiation qui l’unit à l’enfant et a subvenu à ses besoins.

7. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
8. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children's Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force; ("père ou mère")

(6) The French version of the definition of "birth parent" in subsection 136 (1) of the Act is amended by striking out "de sang" and substituting "de naissance".

(7) The French version of the definition of "birth relative" in subsection 136 (1) of the Act is repealed and the following substituted:

«membre de la parenté de naissance» S'entend :

- a) relativement à un enfant qui n'a pas été adopté, d'un membre de la parenté de l'enfant;
- b) relativement à un enfant qui a été adopté, d'une personne qui aurait été un membre de la parenté de l'enfant s'il n'avait pas été adopté. («birth relative»)

(8) The French version of the definition of "birth sibling" in subsection 136 (1) of the Act is repealed and the following substituted:

«frère ou soeur de naissance» Relativement à une personne, s'entend d'un enfant qui a le même père ou la même mère de naissance que cette personne. S'entend également de l'enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l'intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(9) The French version of clause (a) of the definition of "openness order" in subsection 136 (1) of the Act is repealed and the following substituted:

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) Paragraph 6 of subsection 136 (2) of the Act is amended by striking out "by blood" and substituting "by birth".

(11) The definition of "parent" in subsection 137 (1) of the Act is repealed and the following substituted:

"parent", when used in reference to a child, means each of the following persons, but does not include a licensee or a foster parent:

7. Le particulier qui, aux termes d'une entente écrite ou d'une ordonnance d'un tribunal, est tenu de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite.
8. Le particulier qui a reconnu le lien de filiation qui l'unit à l'enfant en déposant une déclaration solennelle en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, dans sa version antérieure au jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*. («parent»)

(6) La version française de la définition de «père ou mère de sang» au paragraphe 136 (1) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(7) La version française de la définition de «parent de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«membre de la parenté de naissance» S'entend :

- a) relativement à un enfant qui n'a pas été adopté, d'un membre de la parenté de l'enfant;
- b) relativement à un enfant qui a été adopté, d'une personne qui aurait été un membre de la parenté de l'enfant s'il n'avait pas été adopté. («birth relative»)

(8) La version française de la définition de «frère ou soeur de sang» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

«frère ou soeur de naissance» Relativement à une personne, s'entend d'un enfant qui a le même père ou la même mère de naissance que cette personne. S'entend également de l'enfant adopté par le père ou la mère de naissance et une personne que le père ou la mère de naissance a l'intention bien arrêtée et manifeste de traiter comme un enfant de sa famille. («birth sibling»)

(9) La version française de l'alinéa a) de la définition de «ordonnance de communication» au paragraphe 136 (1) de la Loi est abrogée et remplacée par ce qui suit :

- a) son père ou sa mère de naissance, son frère ou sa soeur de naissance ou un membre de sa parenté de naissance;

(10) La disposition 6 du paragraphe 136 (2) de la Loi est modifiée par remplacement de «par le sang» par «par la naissance».

(11) La définition de «père ou mère» au paragraphe 137 (1) de la Loi est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s'entend de chacune des personnes suivantes, à l'exclusion toutefois d'un titulaire de permis ou d'un père ou d'une mère de famille d'accueil :

1. A parent of the child under section 6, 8, 9, 10, 11 or 13 of the *Children's Law Reform Act*.
2. In the case of a child conceived through sexual intercourse, an individual described in one of paragraphs 1 to 5 of subsection 7 (2) of the *Children's Law Reform Act*, unless it is proved on a balance of probabilities that the sperm used to conceive the child did not come from the individual.
3. An individual who has been found or recognized by a court of competent jurisdiction outside Ontario to be a parent of the child.
4. In the case of an adopted child, a parent of the child as provided for under section 158 or 159.
5. An individual who has lawful custody of the child.
6. An individual who, during the 12 months before the child is placed for adoption under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child's support.
7. An individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child.
8. An individual who acknowledged parentage of the child by filing a statutory declaration under section 12 of the *Children's Law Reform Act* as it read before the day subsection 1 (1) of the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment)*, 2016 came into force.

(12) The French version of paragraph 1 of subsection 153.6 (1) of the Act is repealed and the following substituted:

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l'enfant.

(13) The French version of paragraph 4 of subsection 153.6 (1) of the Act is repealed and the following substituted:

4. Le père adoptif ou la mère adoptive d'un frère ou d'une soeur de naissance de l'enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l'enfant en vue de son adoption.

(14) The French version of clauses 160 (1) (a) and (b) of the Act is amended by striking out "de sang" wherever it appears and substituting in each case "de naissance".

(15) Subsection 160 (2) of the Act is repealed.

1. Un parent de l'enfant, aux termes de l'article 6, 8, 9, 10, 11 ou 13 de la *Loi portant réforme du droit de l'enfance*.
2. Dans le cas d'un enfant conçu par relation sexuelle, tout particulier visé à l'une des dispositions 1 à 5 du paragraphe 7 (2) de la *Loi portant réforme du droit de l'enfance*, à moins qu'il ne soit prouvé par la prépondérance des probabilités que le sperme utilisé pour concevoir l'enfant ne provenait pas du particulier.
3. Le particulier dont le statut en tant que parent de l'enfant a été établi ou reconnu par un tribunal compétent hors de l'Ontario.
4. Dans le cas d'un enfant adopté, le père ou la mère de l'enfant comme le prévoit l'article 158 ou 159.
5. La personne qui a la garde légitime de l'enfant.
6. La personne qui, au cours des 12 mois qui ont précédé le placement de l'enfant en vue de son adoption en vertu la présente partie, a manifesté l'intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un enfant de sa famille ou a reconnu le lien de filiation qui l'unit à l'enfant et a subvenu à ses besoins.
7. La personne qui, aux termes d'une entente écrite ou d'une ordonnance d'un tribunal, est tenue de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite.
8. La personne qui a reconnu le lien de filiation qui l'unit à l'enfant en déposant une déclaration solennelle en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, dans sa version antérieure au jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.

(12) La version française de la disposition 1 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

1. Le père ou la mère de naissance, un frère ou une soeur de naissance ou un membre de la parenté de naissance de l'enfant.

(13) La version française de la disposition 4 du paragraphe 153.6 (1) de la Loi est abrogée et remplacée par ce qui suit :

4. Le père adoptif ou la mère adoptive d'un frère ou d'une soeur de naissance de l'enfant ou une personne chez qui la société ou le titulaire de permis a placé ou compte placer un frère ou une soeur de naissance de l'enfant en vue de son adoption.

(14) La version française des alinéas 160 (1) a) et b) de la Loi est modifiée par remplacement de «de sang» par «de naissance» partout où figure ce terme.

(15) Le paragraphe 160 (2) de la Loi est abrogé.

(16) The French version of clause 220 (1) (a.2) of the Act is amended by striking out “de sang” and substituting “de naissance”.

(17) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”:

1. Paragraphs 1 and 2 of subsection 3 (3).
2. Clause 37 (5) (a).
3. Subsection 51 (3.1).
4. Clause 146 (2) (a).

(18) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de sa parenté”:

1. Subsection 3 (1), definition of “residential service”.
2. Paragraph 6 of subsection 37 (3).
3. Subsection 57 (4).
4. Clauses 141 (8) (a) and (b).

Child Care and Early Years Act, 2014

39. The definition of “relative” in subsection 2 (1) of the *Child Care and Early Years Act, 2014* is amended by striking out “whether by blood, through a spousal relationship or through adoption” at the end and substituting “including through a spousal relationship or adoption”.

Commercial Tenancies Act

40. The French version of subsection 31 (2) of the *Commercial Tenancies Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la parenté”.

Community Care Access Corporations Act, 2001

41. The French version of paragraph 2 of section 5 of the *Community Care Access Corporations Act, 2001* is amended by striking out “parents” and substituting “membres de la famille”.

Compensation for Victims of Crime Act

42. The French version of clause (e) of the definition of “dependant” in section 1 of the *Compensation for Victims of Crime Act* is amended by striking out “parent” and substituting “membre de la parenté”.

Co-operative Corporations Act

43. The French version of the following provisions of the *Co-operative Corporations Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Subsection 1 (1), clause (b) of the definition of “related person”.

(16) La version française de l’alinéa 220 (1) a.2) de la Loi est modifiée par remplacement de «de sang» par «de naissance».

(17) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme :

1. Les dispositions 1 et 2 du paragraphe 3 (3).
2. L’alinéa 37 (5) a).
3. Le paragraphe 51 (3.1).
4. L’alinéa 146 (2) a).

(18) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de sa parenté» partout où figure ce terme :

1. Le paragraphe 3 (1), définition de «service en établissement».
2. La disposition 6 du paragraphe 37 (3).
3. Le paragraphe 57 (4).
4. Les alinéas 141 (8) a) et b).

Loi de 2014 sur la garde d’enfants et la petite enfance

39. La définition de «membre de la famille» au paragraphe 2 (1) de la *Loi de 2014 sur la garde d’enfants et la petite enfance* est modifiée par remplacement de «, que ce soit par le sang, une union conjugale ou l’adoption» par «, notamment par une union conjugale ou l’adoption» à la fin du paragraphe.

Loi sur la location commerciale

40. La version française du paragraphe 31 (2) de la *Loi sur la location commerciale* est modifiée par remplacement de «parent» par «membre de la parenté» partout où figure ce terme.

Loi de 2001 sur les sociétés d’accès aux soins communautaires

41. La version française de la disposition 2 de l’article 5 de la *Loi de 2001 sur les sociétés d’accès aux soins communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Loi sur l’indemnisation des victimes d’actes criminels

42. La version française de l’alinéa e) de la définition de «personne à charge» à l’article 1 de la *Loi sur l’indemnisation des victimes d’actes criminels* est modifiée par remplacement de «parent» par «membre de la parenté».

Loi sur les sociétés coopératives

43. La version française des dispositions suivantes de la *Loi sur les sociétés coopératives* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. Le paragraphe 1 (1), alinéa b) de la définition de «personne liée».

2. Subsection 111 (3), clause (e) of the definition of “associate”.

Corporations Act

44. (1) The French version of clause (d) of the definition of “associate” in subsection 72 (1) of the *Corporations Act* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the following provisions of the Act is amended by striking out “parents ou ayants droit survivants” wherever it appears and substituting in each case “membres de la famille ou ayants droit survivants”:

1. Clause 188 (2) (b).
2. Section 190.

(3) The French version of clause 189 (1) (d) of the Act is amended by striking out “parents survivants” and substituting “membres de la famille survivants”.

Credit Unions and Caisses Populaires Act, 1994

45. (1) The French version of clause (c) of the definition of “related person” in section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of the definition of “relative” in section 1 of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Employment Standards Act, 2000

46. The French version of the following provisions of the *Employment Standards Act, 2000* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Paragraph 7 of subsection 49.3 (5).
2. Paragraph 7 of subsection 50 (2).
3. Paragraph 7 of subsection 50.1 (8).

Family Law Act

47. (1) Clause (b) of the definition of “spouse” in section 29 of the *Family Law Act* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

(2) Paragraph 1 of subsection 39 (3) of the Act is repealed and the following substituted:

1. The applicant is a parent of the child as set out in section 4 of the *Children’s Law Reform Act*, or has custody of the child under an order or domestic contract.

(3) Paragraph 2 of subsection 39 (3) of the Act is amended by striking out the portion before subparagraph i and substituting the following:

2. Le paragraphe 111 (3), alinéa e) de la définition de «personne qui a un lien».

Loi sur les personnes morales

44. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 72 (1) de la *Loi sur les personnes morales* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parents ou ayants droit survivants» par «membres de la famille ou ayants droit survivants» partout où figurent ces mots :

1. L’alinéa 188 (2) b).
2. L’article 190.

(3) La version française de l’alinéa 189 (1) d) de la Loi est modifiée par remplacement de «parents survivants» par «membres de la famille survivants».

Loi de 1994 sur les caisses populaires et les credit unions

45. (1) La version française de l’alinéa c) de la définition de «personne liée» à l’article 1 de la *Loi de 1994 sur les caisses populaires et les credit unions* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de la définition de «parent» à l’article 1 de la Loi est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce mot.

Loi de 2000 sur les normes d’emploi

46. La version française des dispositions suivantes de la *Loi de 2000 sur les normes d’emploi* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. La disposition 7 du paragraphe 49.3 (5).
2. La disposition 7 du paragraphe 50 (2).
3. La disposition 7 du paragraphe 50.1 (8).

Loi sur le droit de la famille

47. (1) L’alinéa b) de la définition de «conjoint» à l’article 29 de la *Loi sur le droit de la famille* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

(2) La disposition 1 du paragraphe 39 (3) de la Loi est abrogée et remplacée par ce qui suit :

1. Le requérant est parent de l’enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*, ou en a la garde aux termes d’une ordonnance ou d’un contrat familial.

(3) La disposition 2 du paragraphe 39 (3) de la Loi est modifiée par remplacement du passage qui précède la sous-disposition i par ce qui suit :

2. If the applicant is a parent of the child as set out in section 4 of the *Children's Law Reform Act*,

2. Si le requérant est parent de l'enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance* :

Family Responsibility and Support Arrears Enforcement Act, 1996

48. The French version of clause (i) of the definition of "income source" in subsection 1 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by striking out "parent" wherever it appears and substituting in each case "membre de la famille".

Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments

48. La version française de l'alinéa i) de la définition de «source de revenu» au paragraphe 1 (1) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Freedom of Information and Protection of Privacy Act

49. (1) The definition of "close relative" in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out "whether related by blood or adoption" at the end and substituting "including by adoption".

Loi sur l'accès à l'information et la protection de la vie privée

49. (1) La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée* est modifiée par remplacement de «qu'ils soient liés par le sang ou l'adoption» par «y compris par l'adoption» à la fin de la définition.

(2) The French version of paragraph 3 of subsection 65 (8) of the Act is amended by striking out "de sang" and substituting "de naissance".

(2) La version française de la disposition 3 du paragraphe 65 (8) de la *Loi* est modifiée par remplacement de «de sang» par «de naissance».

Funeral, Burial and Cremation Services Act, 2002

Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation

50. The French version of subsections 48 (2) and (4) of the *Funeral, Burial and Cremation Services Act, 2002* is amended by striking out "parents" wherever it appears and substituting in each case "membres de la famille".

50. La version française des paragraphes 48 (2) et (4) de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation* est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme.

Health Care Consent Act, 1996

Loi de 1996 sur le consentement aux soins de santé

51. (1) The French version of paragraph 8 of subsection 20 (1) of the *Health Care Consent Act, 1996* is amended by striking out "parent" and substituting "membre de la famille".

51. (1) La version française de la disposition 8 du paragraphe 20 (1) de la *Loi de 1996 sur le consentement aux soins de santé* est modifiée par remplacement de «parent» par «membre de la famille».

(2) Subsection 20 (10) of the Act is repealed and the following substituted:

(2) Le paragraphe 20 (10) de la *Loi* est abrogé et remplacé par ce qui suit :

Meaning of "relative"

Sens du terme «membre de la famille»

(10) For the purposes of this section, a relative includes a person related to another person by marriage or adoption.

(10) Pour l'application du présent article, un membre de la famille s'entend notamment d'une personne liée à une autre par le mariage ou l'adoption.

Home Care and Community Services Act, 1994

Loi de 1994 sur les services de soins à domicile et les services communautaires

52. The French version of clause 1 (b) of the *Home Care and Community Services Act, 1994* is amended by striking out "parents" and substituting "membres de la famille".

52. La version française de l'alinéa 1 b) de la *Loi de 1994 sur les services de soins à domicile et les services communautaires* est modifiée par remplacement de «parents» par «membres de la famille».

Homemakers and Nurses Services Act

Loi sur les services d'aides familiales et d'infirmières visiteuses

53. Clause 6 (a) of the *Homemakers and Nurses Services Act* is amended by striking out "his or her mother" and substituting "a parent".

53. L'alinéa 6 a) de la *Loi sur les services d'aides familiales et d'infirmières visiteuses* est modifié par remplacement de «de sa mère» par «d'un parent».

Human Rights Code

Code des droits de la personne

54. The French version of clause 24 (1) (c) of the *Human Rights Code* is amended by striking out "autre

54. La version française de l'alinéa 24 (1) c) du *Code des droits de la personne* est modifiée par rempla-

parent” and substituting “à un autre membre de sa famille qui est”.

Insurance Act

55. (1) Subclause (c) (ii) of the definition of “spouse” in subsection 224 (1) of the *Insurance Act* is amended by striking out “the natural or adoptive parents” and substituting “the parents”.

(2) The French version of subclause (c) (ii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “de leurs parents à charge” in the portion before sub-subclause (A) and substituting “des membres de leur famille qui sont à leur charge”.

(3) The French version of subclause (c) (iii) of the definition of “person insured under the contract” in subsection 265 (2) of the Act is amended by striking out “parents à charge” in the portion before sub-subclause (A) and substituting “membres de la famille qui sont à la charge”.

(4) The French version of subsection 265 (4) of the Act is amended by striking out “parent à charge” wherever it appears in the portion before clause (a) and substituting in each case “membre de la famille à charge”.

(5) The French version of clause 323 (a) of the Act is amended by striking out “parent” and substituting “membre de la famille”.

Legislation Act, 2006

56. Section 68 of the *Legislation Act, 2006* is repealed and the following substituted:

Gender

68. Gender-specific terms refer to any gender and include corporations.

MPPs Pension Act, 1996

57. Clause (d) of the definition of “spouse” in subsection 1 (1) of the *MPPs Pension Act, 1996* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Municipal Conflict of Interest Act

58. The definition of “parent” in section 1 of the *Municipal Conflict of Interest Act* is amended by striking out “whether or not that person is the natural parent of the child” at the end.

Municipal Freedom of Information and Protection of Privacy Act

59. The definition of “close relative” in subsection 2 (1) of the *Municipal Freedom of Information and Protection of Privacy Act* is amended by striking out “whether related by blood or adoption” at the end and substituting “including by adoption”.

cement de «autre parent» par «à un autre membre de sa famille qui est».

Loi sur les assurances

55. (1) Le sous-alinéa c) (ii) de la définition de «conjoint» au paragraphe 224 (1) de la *Loi sur les assurances* est modifié par remplacement de «les parents naturels ou adoptifs» par «les parents».

(2) La version française du sous-alinéa c) (ii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la *Loi* est modifiée par remplacement de «de leurs parents à charge» par «des membres de leur famille qui sont à leur charge» dans le passage qui précède le sous-sous-alinéa (A).

(3) La version française du sous-alinéa c) (iii) de la définition de «personne assurée aux termes du contrat» au paragraphe 265 (2) de la *Loi* est modifiée par remplacement de «parents à charge» par «membres de la famille qui sont à la charge» dans le passage qui précède le sous-sous-alinéa (A).

(4) La version française du paragraphe 265 (4) de la *Loi* est modifiée par remplacement de «parent à charge» par «membre de la famille à charge» partout où figure cette expression dans le passage qui précède l’alinéa a).

(5) La version française de l’alinéa 323 a) de la *Loi* est modifiée par remplacement de «parent» par «membre de la famille».

Loi de 2006 sur la législation

56. L’article 68 de la *Loi de 2006 sur la législation* est abrogé et remplacé par ce qui suit :

Genre

68. Les termes sexospécifiques s’appliquent aux personnes physiques de n’importe quel genre, ainsi qu’aux personnes morales.

Loi de 1996 sur le régime de retraite des députés

57. L’alinéa d) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi de 1996 sur le régime de retraite des députés* est modifié par remplacement de «les parents naturels ou adoptifs d’un enfant» par «les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*» à la fin de l’alinéa.

Loi sur les conflits d’intérêts municipaux

58. La définition de «père ou mère» à l’article 1 de la *Loi sur les conflits d’intérêts municipaux* est modifiée par suppression de «Outre le père et la mère d’un enfant,» au début de la définition, et par remplacement de «le traiter» par «traiter un enfant».

Loi sur l’accès à l’information municipale et la protection de la vie privée

59. La définition de «proche parent» au paragraphe 2 (1) de la *Loi sur l’accès à l’information municipale et la protection de la vie privée* est modifiée par remplacement de «qu’ils soient liés par le sang ou l’adoption» par «y compris par l’adoption» à la fin de la définition.

Not-for-Profit Corporations Act, 2010

60. (1) The French version of clause (d) of the definition of “associate” in subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “parent” and substituting “membre de la famille”.

(2) The French version of clause (e) of the definition of “associate” in subsection 1 (1) of the Act is amended by striking out “d’un des parents du conjoint” and substituting “d’un membre de la famille du conjoint”.

(3) The French version of clause (b) of the definition of “related person” in subsection 1 (1) of the Act is amended by striking out “d’un de ses parents ou de ceux” and substituting “d’un membre de sa famille ou de celle”.

Ontario Energy Board Act, 1998

61. The French version of clauses (d) and (e) of the definition of “associate” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Parental Responsibility Act, 2000

62. The definition of “parent” in section 1 of the *Parental Responsibility Act, 2000* is repealed and the following substituted:

“parent”, when used in reference to a child, includes any individual who has lawful custody of, or a lawful right of access to, the child. (“père ou mère”, “parents”)

Pension Benefits Act

63. Subclause (b) (ii) of the definition of “spouse” in subsection 1 (1) of the *Pension Benefits Act* is repealed and the following substituted:

- (ii) in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the *Children’s Law Reform Act*;

Personal Health Information Protection Act, 2004

64. (1) The definition of “relative” in section 2 of the *Personal Health Information Protection Act, 2004* is repealed and the following substituted:

“relative” means either of two persons who are related to each other, including through marriage or adoption; (“membre de la famille”)

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Paragraph 8 of subsection 26 (1).
2. Clause 38 (1) (c).

Loi de 2010 sur les organisations sans but lucratif

60. (1) La version française de l’alinéa d) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif* est modifiée par remplacement de «parent» par «membre de la famille».

(2) La version française de l’alinéa e) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «d’un des parents du conjoint» par «d’un membre de la famille du conjoint».

(3) La version française de l’alinéa b) de la définition de «personne liée» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «d’un de ses parents ou de ceux» par «d’un membre de sa famille ou de celle».

Loi de 1998 sur la Commission de l’énergie de l’Ontario

61. La version française des alinéas d) et e) de la définition de «personne qui a un lien» à l’article 3 de la *Loi de 1998 sur la Commission de l’énergie de l’Ontario* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2000 sur la responsabilité parentale

62. La définition de «père ou mère» à l’article 1 de la *Loi de 2000 sur la responsabilité parentale* est abrogée et remplacée par ce qui suit :

«père ou mère» En ce qui concerne un enfant, s’entend notamment de tout particulier qui en a la garde légitime ou qui a un droit de visite légitime de celui-ci. Le terme «parents» a un sens correspondant. («parent»)

Loi sur les régimes de retraite

63. Le sous-alinéa b) (ii) de la définition de «conjoint» au paragraphe 1 (1) de la *Loi sur les régimes de retraite* est abrogé et remplacé par ce qui suit :

- (ii) soit dans une relation d’une certaine permanence, si elles sont les parents d’un enfant comme il est énoncé à l’article 4 de la *Loi portant réforme du droit de l’enfance*.

Loi de 2004 sur la protection des renseignements personnels sur la santé

64. (1) La définition de «parent» à l’article 2 de la *Loi de 2004 sur la protection des renseignements personnels sur la santé* est abrogée et remplacée par ce qui suit :

«membre de la famille» Personne liée à une autre, notamment par le mariage ou l’adoption. («relative»)

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. La disposition 8 du paragraphe 26 (1).
2. L’alinéa 38 (1) c).

Pooled Registered Pension Plans Act, 2015

65. Subclause (b) (ii) of the definition of “spouse” in section 2 of the *Pooled Registered Pension Plans Act, 2015* is amended by striking out “the natural or adoptive parents of a child” at the end and substituting “the parents of a child as set out in section 4 of the *Children’s Law Reform Act*”.

Residential Tenancies Act, 2006

66. Clause 47.3 (4) (d) of the *Residential Tenancies Act, 2006* is amended by striking out “who is related by blood, marriage or adoption” and substituting “who is related, including through marriage”.

Retirement Homes Act, 2010

67. Subsection 2 (2) of the *Retirement Homes Act, 2010* is repealed and the following substituted:

Interpretation, related person

(2) A person who is related to another person for the purposes of clause (b) of the definition of “retirement home” in subsection (1) includes a person related through adoption, marriage, conjugal relationship outside marriage, other culturally traditional form of kinship as described in the regulations, if any, or through another prescribed form.

SARS Assistance and Recovery Strategy Act, 2003

68. The French version of paragraph 7 of subsection 6 (5) of the *SARS Assistance and Recovery Strategy Act, 2003* is amended by striking out “parent” and substituting “membre de la famille”.

Securities Act

69. The French version of clauses (d) and (f) of the definition of “associate” in subsection 1 (1) of the *Securities Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Substitute Decisions Act, 1992

70. (1) Subsection 1 (2.1) of the *Substitute Decisions Act, 1992* is repealed and the following substituted:

Relatives

(2.1) For the purposes of this Act, a relative includes a person related to another person by marriage or adoption.

(2) The French version of the following provisions of the Act is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”:

1. Clause 11 (1.1) (b).
2. Clause 16 (2) (c).
3. Paragraph 2 of subsection 17 (1).
4. Subsection 24 (2), in the portion before paragraph 1.

Loi de 2015 sur les régimes de pension agréés collectifs

65. Le sous-alinéa b) (ii) de la définition de «conjoint» à l'article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs* est modifié par remplacement de «les parents naturels ou adoptifs d'un enfant» par «les parents d'un enfant comme il est énoncé à l'article 4 de la *Loi portant réforme du droit de l'enfance*» à la fin du sous-alinéa.

Loi de 2006 sur la location à usage d'habitation

66. L'alinéa 47.3 (4) d) de la *Loi de 2006 sur la location à usage d'habitation* est modifié par remplacement de «qui est liée par le sang, le mariage ou l'adoption» par «qui est liée, y compris par le mariage,».

Loi de 2010 sur les maisons de retraite

67. Le paragraphe 2 (2) de la *Loi de 2010 sur les maisons de retraite* est abrogé et remplacé par ce qui suit :

Interprétation, personne liée

(2) Pour l'application de l'alinéa b) de la définition de «maison de retraite» au paragraphe (1), une personne qui est liée à une autre s'entend notamment d'une personne liée à celle-ci par l'adoption, le mariage, une union conjugale hors du mariage ou une autre forme culturellement traditionnelle de parenté précisée dans les règlements, le cas échéant, ou d'une autre manière prescrite.

Loi de 2003 sur la stratégie d'aide et de reprise suite au SRAS

68. La version française de la disposition 7 du paragraphe 6 (5) de la *Loi de 2003 sur la stratégie d'aide et de reprise suite au SRAS* est modifiée par remplacement de «parent» par «membre de la famille».

Loi sur les valeurs mobilières

69. La version française des alinéas d) et f) de la définition de «personne qui a un lien» au paragraphe 1 (1) de la *Loi sur les valeurs mobilières* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 1992 sur la prise de décisions au nom d'autrui

70. (1) Le paragraphe 1 (2.1) de la *Loi de 1992 sur la prise de décisions au nom d'autrui* est abrogé et remplacé par ce qui suit :

Membres de la famille

(2.1) Pour l'application de la présente loi, un membre de la famille s'entend notamment d'une personne liée à une autre par le mariage ou l'adoption.

(2) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme :

1. L'alinéa 11 (1.1) b).
2. L'alinéa 16 (2) c).
3. La disposition 2 du paragraphe 17 (1).
4. Le paragraphe 24 (2), dans le passage qui précède la disposition 1.

5. Paragraph 5 of subsection 37 (4).

6. Subsection 46 (3), in the portion before clause (a).

7. Clause 52 (1.1) (b).

8. Subsection 57 (2), in the portion before paragraph 1.

(3) The French version of the following provisions of the Act is amended by striking out “parents” wherever it appears and substituting in each case “membres de la famille”:

1. Clause 11 (1) (d), in the portion before subclause (i).

2. Paragraph 1 of subsection 37 (3).

3. Paragraphs 2 and 4 of subsection 37 (4).

4. Clause 52 (1) (d).

Succession Law Reform Act

71. (1) The definition of “child” in subsection 1 (1) of the *Succession Law Reform Act* is repealed and the following substituted:

“child” includes,

- (a) a child conceived before and born alive after the parent’s death, and
- (b) a child conceived and born alive after the parent’s death, if the conditions in subsection 1.1 (1) are met; (“enfant”)

(2) The definition of “issue” in subsection 1 (1) of the Act is repealed and the following substituted:

“issue” includes,

- (a) a descendant conceived before and born alive after the person’s death, and
- (b) a descendant conceived and born alive after the person’s death, if the conditions in subsection 1.1 (1) are met; (“descendance”)

(3) The definition of “parent” in subsection 1 (1) of the Act is repealed.

(4) The definition of “spouse” in subsection 1 (1) of the Act is repealed and the following substituted:

“spouse”, except in Part V, has the same meaning as in section 1 of the *Family Law Act*; (“conjoint”)

(5) Subsection 1 (2) of the Act is repealed.

(6) The Act is amended by adding the following section before the heading to Part I:

Posthumous conception, conditions

1.1 (1) The following conditions respecting a child conceived and born alive after a person’s death apply for the purposes of this Act:

- 1. The person who, at the time of the death of the deceased person, was his or her spouse, must give written notice to the Estate Registrar for Ontario

5. La disposition 5 du paragraphe 37 (4).

6. Le paragraphe 46 (3), dans le passage qui précède l’alinéa a).

7. L’alinéa 52 (1.1) b).

8. Le paragraphe 57 (2), dans le passage qui précède la disposition 1.

(3) La version française des dispositions suivantes de la Loi est modifiée par remplacement de «parents» par «membres de la famille» partout où figure ce terme :

1. L’alinéa 11 (1) d), dans le passage qui précède le sous-alinéa (i).

2. La disposition 1 du paragraphe 37 (3).

3. Les dispositions 2 et 4 du paragraphe 37 (4).

4. L’alinéa 52 (1) d).

Loi portant réforme du droit des successions

71. (1) La définition de «enfant» au paragraphe 1 (1) de la *Loi portant réforme du droit des successions* est abrogée et remplacée par ce qui suit :

«enfant» S’entend notamment :

- a) d’un enfant conçu avant et né vivant après le décès du père ou de la mère;
- b) d’un enfant conçu et né vivant après le décès du père ou de la mère, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («child»)

(2) La définition de «descendance» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«descendance» S’entend notamment :

- a) d’un descendant conçu avant et né vivant après le décès de la personne;
- b) d’un descendant conçu et né vivant après le décès de la personne, si les conditions prévues au paragraphe 1.1 (1) sont remplies. («issue»)

(3) La définition de «père ou mère» au paragraphe 1 (1) de la Loi est abrogée.

(4) La définition de «conjoint» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» Sauf à la partie V, s’entend au sens de l’article 1 de la *Loi sur le droit de la famille*. («spouse»)

(5) Le paragraphe 1 (2) de la Loi est abrogé.

(6) La Loi est modifiée par adjonction de l’article suivant avant l’intitulé de la partie I :

Conception posthume : conditions

1.1 (1) Les conditions suivantes concernant un enfant conçu et né vivant après le décès d’une personne s’appliquent dans le cadre de la présente loi :

- 1. La personne qui, au moment du décès de la personne décédée, était son conjoint, doit donner au greffier des successions de l’Ontario un avis écrit

that the person may use reproductive material or an embryo to attempt to conceive, through assisted reproduction and with or without a surrogate, a child in relation to which the deceased person intended to be a parent.

2. The notice under paragraph 1 must be in the form provided by the Ministry of the Attorney General and given no later than six months after the deceased person's death.
3. The posthumously-conceived child must be born no later than the third anniversary of the deceased person's death, or such later time as may be specified by the Superior Court of Justice under subsection (3).
4. A court has made a declaration under section 12 of the *Children's Law Reform Act* establishing the deceased person's parentage of the posthumously-conceived child.

Interpretation

(2) For the purposes of paragraph 1 of subsection (1), "assisted reproduction", "embryo", "reproductive material", "spouse" and "surrogate" have the same meaning as in section 1 of the *Children's Law Reform Act*.

Extension of time

(3) On motion or application, as the case may be, by a surviving spouse who gives notice under paragraph 1 of subsection (1), the Superior Court of Justice may make an order extending the period referred to in paragraph 3 of that subsection, if the Court considers it appropriate in the circumstances.

(7) Section 47 of the Act is amended by adding the following subsections:

Descendants posthumously conceived

(10) For the purposes of this section, descendants and relatives of the deceased conceived and born alive after the death of the deceased shall inherit as if they had been born in the lifetime of the deceased and had survived him or her, if the conditions in subsection 1.1 (1) are met.

Right to inherit

(11) The right of a descendant or relative to whom subsection (10) applies to inherit begins on the day he or she is born.

(8) The definition of "spouse" in section 57 of the Act is repealed and the following substituted:

"spouse" has the same meaning as in section 29 of the *Family Law Act*. ("conjoint")

(9) Section 57 of the Act is amended by adding the following subsection:

Dependant posthumously-conceived child

(2) For the purposes of clause (c) of the definition of "dependant" in subsection (1), where the conditions in subsection 1.1 (1) are met in relation to a child conceived

selon lequel elle peut utiliser du matériel reproductif ou un embryon pour tenter de concevoir, par procréation assistée et avec ou sans l'aide d'un substitut, un enfant à l'égard duquel la personne décédée avait l'intention d'être parent.

2. L'avis visé à la disposition 1 doit être rédigé selon le formulaire fourni par le ministère du Procureur général et donné au plus tard six mois après le décès de la personne décédée.
3. L'enfant conçu de façon posthume doit être né au plus tard au troisième anniversaire du décès de la personne décédée ou à la date ultérieure précisée par la Cour supérieure de justice en vertu du paragraphe (3).
4. Le tribunal a prononcé, en vertu de l'article 12 de la *Loi portant réforme du droit de l'enfance*, une déclaration établissant le lien de filiation de la personne décédée et de l'enfant conçu de façon posthume.

Interprétation

(2) Pour l'application de la disposition 1 du paragraphe (1), «conjoint», «embryon», «matériel reproductif», «procréation assistée» et «substitut» s'entendent au sens de l'article 1 de la *Loi portant réforme du droit de l'enfance*.

Prorogation du délai

(3) Sur motion ou requête, selon le cas, d'un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe (1), la Cour supérieure de justice peut rendre une ordonnance prorogeant le délai visé à la disposition 3 de ce paragraphe si elle l'estime appropriée dans les circonstances.

(7) L'article 47 de la Loi est modifié par adjonction des paragraphes suivants :

Descendants conçus de façon posthume

(10) Pour l'application du présent article, les descendants et les membres de la famille du défunt, s'ils sont conçus et naissent vivants après le décès du défunt, héritent comme s'ils étaient nés de son vivant et lui avaient survécu, si les conditions du paragraphe 1.1 (1) sont remplies.

Droit d'hériter

(11) Le droit d'hériter d'un descendant ou d'un membre de la famille à qui s'applique le paragraphe (10) s'ouvre le jour où il naît.

(8) La définition de «conjoint» à l'article 57 de la Loi est abrogée et remplacée par ce qui suit :

«conjoint» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse»)

(9) L'article 57 de la Loi est modifié par adjonction du paragraphe suivant :

Enfant conçu de façon posthume considéré comme personne à charge

(2) Pour l'application de l'alinéa c) de la définition de «personne à charge» au paragraphe (1), si les conditions prévues au paragraphe 1.1 (1) sont remplies concernant

and born alive after the death of the deceased, the deceased is deemed to have been, immediately before his or her death, under a legal obligation to provide support to the child.

(10) Section 59 of the Act is amended by adding the following subsection:

Posthumous child not yet conceived

(2) An application may be made under subsection (1) by a surviving spouse who gives notice under paragraph 1 of subsection 1.1 (1) on behalf of a child of the deceased that is referred to in the notice and is not yet conceived, if the application is made no later than six months after the death of the deceased.

Toronto Islands Residential Community Stewardship Act, 1993

72. The definition of “child” in section 1 of the *Toronto Islands Residential Community Stewardship Act, 1993* is repealed and the following substituted:

“child” includes an adopted child; (“enfant”)

Trillium Gift of Life Network Act

73. The French version of clauses 5 (2) (g), (h) and (i) of the *Trillium Gift of Life Network Act* is amended by striking out “parent” wherever it appears and substituting in each case “membre de la famille”.

Jobs for Today and Tomorrow Act (Budget Measures), 2016

74. (1) Section 2 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* is repealed.

(2) Section 3 of Schedule 33 to the Act is repealed.

(3) Section 6 of Schedule 33 to the Act is repealed.

(4) If, on the day this subsection comes into force, section 8 of Schedule 33 to the Act is not yet in force, that section is repealed.

Strong Action for Ontario Act (Budget Measures), 2012

75. Section 1 of Schedule 7 to the *Strong Action for Ontario Act (Budget Measures), 2012* is repealed.

Commencement

76. (1) Subject to subsections (2) to (12), this Act comes into force on the day it receives Royal Assent.

Same

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

1. Subsection 1 (1).
2. Sections 2 to 17.
3. Subsections 18 (1), (2), (4), (5), (6), (8) and (9).

un enfant conçu et né vivant après le décès du défunt, ce dernier est réputé avoir eu, immédiatement avant son décès, une obligation légale de fournir des aliments à l'enfant.

(10) L'article 59 de la Loi est modifié par adjonction du paragraphe suivant :

Enfant posthume non encore conçu

(2) Une requête peut être présentée en vertu du paragraphe (1) par un conjoint survivant qui donne un avis en application de la disposition 1 du paragraphe 1.1 (1) au nom d'un enfant du défunt qui est mentionné dans l'avis et qui n'est pas encore conçu, si elle est présentée dans les six mois qui suivent le décès du défunt.

Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto

72. La définition de «enfant» à l'article 1 de la *Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto* est abrogée et remplacée par ce qui suit :

«enfant» S'entend notamment d'un enfant adopté.
(«child»)

Loi sur le Réseau Trillium pour le don de vie

73. La version française des alinéas 5 (2) g), h) et i) de la *Loi sur le Réseau Trillium pour le don de vie* est modifiée par remplacement de «parent» par «membre de la famille» partout où figure ce terme.

Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)

74. (1) L'article 2 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* est abrogé.

(2) L'article 3 de l'annexe 33 de la Loi est abrogé.

(3) L'article 6 de l'annexe 33 de la Loi est abrogé.

(4) Si, le jour de l'entrée en vigueur du présent paragraphe, l'article 8 de l'annexe 33 de la Loi n'est pas encore en vigueur, cet article est abrogé.

Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires)

75. L'article 1 de l'annexe 7 de la *Loi de 2012 sur une action énergétique pour l'Ontario (mesures budgétaires)* est abrogé.

Entrée en vigueur

76. (1) Sous réserve des paragraphes (2) à (12), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) Les dispositions suivantes entrent en vigueur le jour que le lieutenant-gouverneur fixe par proclamation :

1. Le paragraphe 1 (1).
2. Les articles 2 à 17.
3. Les paragraphes 18 (1), (2), (4), (5), (6), (8) et (9).

4. Sections 22 and 23.
5. Sections 26 to 32.
6. Subsections 33 (1) to (3) and section 34.
7. Subsections 37 (1) and (2).
8. Sections 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 and 59.
9. Sections 62, 63, 66, 67, 70, 71 and 72.
10. Subsection 74 (4).

Same

(3) Subsections 1 (2) and 18 (11) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (3) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(4) Subsections 18 (3), (7) and (10) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (2) of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(5) Subsection 21 (2) comes into force one year after the day this Act receives Royal Assent.

Same

(6) Subsections 24 (1), (4) and (5) and 25 (1), (2), (4), (6) and (7) come into force on the later of the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(7) Subsections 24 (2) and (3) and 25 (3) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day section 5 of Schedule 33 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

Same

(8) Subsections 37 (3), (7) and (8) come into force on the later of the day section 9 of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(9) Subsections 37 (4) and (5) come into force on the later of the day subsection 1 (1) comes into force and the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force.

4. Les articles 22 et 23.
5. Les articles 26 à 32.
6. Les paragraphes 33 (1) à (3) et l'article 34.
7. Les paragraphes 37 (1) et (2).
8. Les articles 38, 39, 47, 49, 51, 53, 55, 56, 57, 58 et 59.
9. Les articles 62, 63, 66, 67, 70, 71 et 72.
10. Le paragraphe 74 (4).

Idem

(3) Les paragraphes 1 (2) et 18 (11) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (3) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(4) Les paragraphes 18 (3), (7) et (10) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (2) de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(5) Le paragraphe 21 (2) entre en vigueur un an après le jour où la présente loi reçoit la sanction royale.

Idem

(6) Les paragraphes 24 (1), (4) et (5) et 25 (1), (2), (4), (6) et (7) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(7) Les paragraphes 24 (2) et (3) et 25 (3) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 5 de l'annexe 33 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Idem

(8) Les paragraphes 37 (3), (7) et (8) entrent en vigueur le dernier en date du jour de l'entrée en vigueur de l'article 9 de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(9) Les paragraphes 37 (4) et (5) entrent en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)*.

Same

(10) Subsection 37 (6) comes into force on the later of the day subsection 6 (1) of Schedule 4 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* comes into force and the day this Act receives Royal Assent.

Same

(11) Section 60 comes into force on the later of the day subsection 1 (1) comes into force and the day subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

Same

(12) Section 65 comes into force on the later of the day subsection 1 (1) comes into force and the day section 2 of the *Pooled Registered Pension Plans Act, 2015* comes into force.

Short title

77. The short title of this Act is the *All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016*.

Idem

(10) Le paragraphe 37 (6) entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 6 (1) de l'annexe 4 de la *Loi de 2016 favorisant la création d'emplois pour aujourd'hui et demain (mesures budgétaires)* et du jour où la présente loi reçoit la sanction royale.

Idem

(11) L'article 60 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur du paragraphe 1 (1) de la *Loi de 2010 sur les organisations sans but lucratif*.

Idem

(12) L'article 65 entre en vigueur le dernier en date du jour de l'entrée en vigueur du paragraphe 1 (1) et du jour de l'entrée en vigueur de l'article 2 de la *Loi de 2015 sur les régimes de pension agréés collectifs*.

Titre abrégé

77. Le titre abrégé de la présente loi est *Loi de 2016 sur l'égalité de toutes les familles (modifiant des lois en ce qui concerne la filiation et les enregistrements connexes)*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 29

Projet de loi 29

**An Act to amend the
Highway Traffic Act
to exempt Sikh motorcyclists
from the requirement to wear a helmet**

**Loi modifiant le
Code de la route pour exempter
les motocyclistes sikhs de l'obligation
de porter un casque**

Mr. J. Singh



M. J. Singh

Private Member's Bill

Projet de loi de député

1st Reading September 29, 2016
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 29 septembre 2016
2^e lecture
3^e lecture
Sanction royale



**An Act to amend the
Highway Traffic Act
to exempt Sikh motorcyclists
from the requirement to wear a helmet**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Subsection 104 (1) of the *Highway Traffic Act* is amended by striking out “No person” at the beginning and substituting “Subject to subsection (1.1), no person”.

(2) Section 104 of the Act is amended by adding the following subsection:

Exemption

(1.1) Subsection (1) does not apply to any person who,

- (a) is a member of the Sikh religion;
- (b) has unshorn hair; and
- (c) habitually wears a turban composed of five or more square meters of cloth.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Highway Traffic Amendment Act (Helmet Exemption for Sikh Motorcyclists), 2016*.

EXPLANATORY NOTE

Section 104 of the *Highway Traffic Act* requires persons riding or operating a motorcycle or motor assisted bicycle on a highway to wear a helmet. The Bill exempts members of the Sikh religion who have unshorn hair and who habitually wear turbans from the section 104 requirement to wear a helmet.

**Loi modifiant le
Code de la route pour exempter
les motocyclistes sikhs de l'obligation
de porter un casque**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. (1) Le paragraphe 104 (1) du *Code de la route* est modifié par remplacement de «Nul ne doit» par «Sous réserve du paragraphe (1.1), nul ne doit» au début du paragraphe.

(2) L'article 104 du Code est modifié par adjonction du paragraphe suivant :

Exemption

(1.1) Le paragraphe (1) ne s'applique pas à la personne qui remplit les critères suivants :

- a) elle est membre de la religion sikh;
- b) elle a les cheveux, la barbe et les poils non coupés;
- c) elle porte habituellement un turban composé d'au moins cinq mètres carrés de tissu.

Entrée en vigueur

2. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2016 modifiant le Code de la route (exemption de l'obligation de port du casque pour les motocyclistes sikhs)*.

NOTE EXPLICATIVE

L'article 104 du *Code de la route* oblige les personnes qui circulent sur une motocyclette ou un cyclomoteur ou qui utilisent une motocyclette ou un cyclomoteur sur une voie publique à porter un casque. Le projet de loi exempte les membres de la religion sikh qui ont les cheveux, la barbe et les poils non coupés et qui portent habituellement un turban de l'obligation prévue à l'article 104 de porter un casque.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 30

**An Act to amend
the Human Rights Code
with respect to genetic characteristics**

Co-sponsors:
Mr. M. Colle
Ms S. Jones



Private Members' Bill

1st Reading September 29, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 30

**Loi modifiant
le Code des droits de la personne
en ce qui a trait
aux caractéristiques génétiques**

Coparrains :
M. M. Colle
M^{me} S. Jones

Projet de loi de députés

1^{re} lecture 29 septembre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill amends the *Human Rights Code* to include genetic characteristics as a prohibited ground of discrimination. The Act currently includes race, marital status and disability, among other things, as prohibited grounds of discrimination.

In addition to other amendments, various sections are amended to provide that every person has a right to equal treatment, without discrimination because of genetic characteristics, with respect to services, goods and facilities, the occupancy of accommodation, the right to contract, and employment and membership in various types of organizations. This includes the right to equal treatment if a person refuses to undergo or disclose the results of a genetic test. High value insurance contracts are permitted to differentiate or make a distinction, exclusion or preference on reasonable and *bona fide* grounds because of genetic characteristics.

NOTE EXPLICATIVE

Le projet de loi modifie le *Code des droits de la personne* pour ajouter les caractéristiques génétiques aux motifs illicites de discrimination. Parmi les motifs illicites de discrimination figurant actuellement dans le Code se trouvent la race, l'état matrimonial et un handicap.

Outre d'autres modifications, divers articles sont modifiés pour prévoir que toute personne a droit à un traitement égal, sans discrimination fondée sur des caractéristiques génétiques, en matière de services, de biens et d'installations, en matière d'occupation d'un logement, en matière de droit de conclure des contrats, en matière d'emploi et en matière d'adhésion à divers types d'organismes. Est notamment compris le droit à un traitement égal pour quiconque refuse de subir un test génétique ou d'en divulguer les résultats. Les contrats d'assurance à valeur élevée peuvent établir des distinctions entre des personnes, les exclure ou leur accorder la préférence pour des motifs justifiés de façon raisonnable et de bonne foi et fondés sur les caractéristiques génétiques.

**An Act to amend
the Human Rights Code
with respect to genetic characteristics**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Human Rights Code* is amended by adding “genetic characteristics” after “age”.

2. (1) Subsection 2 (1) of the Act is amended by adding “genetic characteristics” after “age”.

(2) Subsection 2 (2) of the Act is amended by adding “genetic characteristics” after “age”.

3. Section 3 of the Act is amended by adding “genetic characteristics” after “age”.

4. (1) Subsection 5 (1) of the Act is amended by adding “genetic characteristics” after “age”.

(2) Subsection 5 (2) of the Act is amended by adding “genetic characteristics” after “age”.

5. Section 6 of the Act is amended by adding “genetic characteristics” after “age”.

6. (1) Subsection 10 (1) of the Act is amended by adding the following definition:

“genetic characteristics” means genetic traits of an individual, including traits that may cause or increase the risk to develop a disorder or disease; (“caractéristiques génétiques”)

(2) Section 10 of the Act is amended by adding the following subsection:

Refusal to undergo or disclose results of genetic test

(4) The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose, or authorize the disclosure of, the results of a genetic test.

7. The Act is amended by adding the following section:

**Loi modifiant
le Code des droits de la personne
en ce qui a trait
aux caractéristiques génétiques**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. L'article 1 du *Code des droits de la personne* est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

2. (1) Le paragraphe 2 (1) du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

(2) Le paragraphe 2 (2) du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

3. L'article 3 du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

4. (1) Le paragraphe 5 (1) du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

(2) Le paragraphe 5 (2) du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

5. L'article 6 du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

6. (1) Le paragraphe 10 (1) du Code est modifié par adjonction de la définition suivante :

«caractéristiques génétiques» S'entend des traits génétiques caractéristiques que présente un particulier, notamment des traits pouvant causer un trouble ou une maladie ou augmenter le risque que l'un ou l'autre se développe. («genetic characteristics»)

(2) L'article 10 du Code est modifié par adjonction du paragraphe suivant :

Refus de subir un test génétique ou d'en divulguer les résultats

(4) Le droit à un traitement égal sans discrimination fondée sur des caractéristiques génétiques comprend le droit à un traitement égal sans discrimination fondée sur le fait qu'une personne refuse de subir un test génétique, de divulguer les résultats d'un tel test ou d'autoriser la divulgation de ceux-ci.

7. Le Code est modifié par adjonction de l'article suivant :

Restrictions for insurance contracts, etc.

22.1 The right under sections 1 and 3 to equal treatment with respect to services and to contract on equal terms without discrimination because of genetic characteristics is not infringed if a contract of automobile, life, accident or sickness or disability insurance or a contract of group insurance between an insurer and an association or person other than an employer, or a life annuity,

- (a) pays a benefit of more than,
 - (i) \$1,000,000 in total, or
 - (ii) \$75,000 per annum; and
- (b) differentiates or makes a distinction, exclusion or preference on reasonable and *bona fide* grounds because of genetic characteristics.

8. Clause 24 (1) (a) of the Act is amended by adding “genetic characteristics” after “age”.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the *Human Rights Code Amendment Act (Genetic Characteristics), 2016*.

Restrictions : contrats d'assurance

22.1 Ne constitue pas une atteinte au droit, reconnu aux articles 1 et 3, à un traitement égal en matière de services et de contrats à conditions égales sans discrimination fondée sur des caractéristiques génétiques le fait qu'un contrat d'assurance-automobile, d'assurance-vie, d'assurance-accident, d'assurance-maladie ou d'assurance-invalidité, qu'un contrat d'assurance-groupe entre un assureur et une association ou une personne autre qu'un employeur, ou qu'une rente viagère, à la fois :

- a) verse une prestation supérieure à :
 - (i) soit 1 000 000 \$ en tout,
 - (ii) soit 75 000 \$ par année;
- b) établisse des distinctions entre des personnes, les exclut ou leur accorde la préférence pour des motifs raisonnables et de bonne foi et fondés sur des caractéristiques génétiques.

8. L'alinéa 24 (1) a) du Code est modifié par insertion de «les caractéristiques génétiques,» après «l'âge,».

Entrée en vigueur

9. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

10. Le titre abrégé de la présente loi est *Loi de 2016 modifiant le Code des droits de la personne (caractéristiques génétiques)*.



2nd SESSION, 41st LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 31

Projet de loi 31

**An Act to amend the
Employment Standards Act, 2000
to entitle an employee whose child
has died to a leave of absence**

**Loi modifiant la
Loi de 2000 sur les normes d'emploi
pour donner aux employés
dont l'enfant est décédé
le droit à un congé**

Mr. P Tabuns



M. P Tabuns

Private Member's Bill

Projet de loi de député

1st Reading October 3, 2016
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 3 octobre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill amends the *Employment Standards Act, 2000* to provide that an employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay of up to 52 weeks if a child of the employee dies.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi de 2000 sur les normes d'emploi* pour prévoir qu'un employé qui est employé par son employeur sans interruption depuis au moins six mois a droit à un congé non payé d'au plus 52 semaines en cas de décès de son enfant.

**An Act to amend the
Employment Standards Act, 2000
to entitle an employee whose child
has died to a leave of absence**

Preamble

The journey bereaved parents take after suffering the death of their child is a long and winding road. Grieving is hard work for both the mind and body. Parents may feel isolated and unable to deal with everyday life. Balancing work and grief can be overwhelming for parents; returning to work while still in the initial shock of their child's death may add many layers to their grief.

To help these parents return to their communities productive and engaged, it is critical to ensure they have time to grieve.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Employment Standards Act, 2000* is amended by adding the following section:

CHILD DEATH LEAVE

Death of child leave

Definitions

49.4.1 (1) In this section,

“child” means a child, step-child or foster child who is under 18 years of age; (“enfant”)

“week” means a period of seven consecutive days beginning on Sunday and ending on Saturday. (“semaine”)

Entitlement to leave — death of child

(2) An employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay of up to 52 weeks if a child of the employee dies in a circumstance other than one in which subsection 49.5 (2) applies.

Exception

(3) An employee is not entitled to a leave of absence under this section if the employee is charged with a crime in relation to the death of the child.

**Loi modifiant la
Loi de 2000 sur les normes d'emploi
pour donner aux employés
dont l'enfant est décédé
le droit à un congé**

Préambule

Le chemin que doivent emprunter les parents au décès de leur enfant est long et tortueux. Le travail de deuil qui s'ensuit est éprouvant aussi bien pour l'esprit que pour le corps. Les parents se sentent souvent isolés et incapables de faire face au quotidien. Ils sont souvent accablés devant la nécessité de concilier travail et deuil et le fait de devoir retourner travailler alors qu'ils sont encore sous le choc du décès de leur enfant peut rendre leur deuil plus difficile encore.

Pour aider ces parents à réintégrer leurs collectivités en étant productifs et pleinement engagés, il est essentiel de faire en sorte qu'ils aient le temps de faire leur travail de deuil.

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. La *Loi de 2000 sur les normes d'emploi* est modifiée par adjonction de l'article suivant :

CONGÉ EN CAS DE DÉCÈS D'UN ENFANT

Congé en cas de décès d'un enfant

Définitions

49.4.1 (1) Les définitions qui suivent s'appliquent au présent article.

«enfant» Enfant, enfant par alliance ou enfant placé en famille d'accueil qui est âgé de moins de 18 ans. («child»)

«semaine» Période de sept jours consécutifs débutant le dimanche et se terminant le samedi. («week»)

Droit au congé : décès d'un enfant

(2) L'employé qui est employé par son employeur sans interruption depuis au moins six mois a droit à un congé non payé d'au plus 52 semaines si son enfant décède dans des circonstances autres que celles auxquelles le paragraphe 49.5 (2) s'applique.

Exception

(3) L'employé n'a pas droit au congé prévu au présent article s'il est accusé d'un crime en rapport avec le décès de l'enfant.

Single period

(4) An employee may take a leave under this section only in a single period.

Limitation period

(5) An employee may take a leave under subsection (2) only during the 52-week period that begins in the week the child dies.

Total amount of leave — death of child

(6) The total amount of leave that may be taken by one or more employees under this section in respect of a death, or deaths that are the result of the same event is 52 weeks.

Advising employer

(7) An employee who wishes to take a leave under this section shall advise his or her employer in writing that he or she will be doing so and shall provide the employer with a written plan that indicates the weeks in which he or she will take the leave.

Same

(8) If an employee must begin a leave under this section before advising the employer, the employee shall advise the employer of the leave in writing as soon as possible after beginning it and shall provide the employer with a written plan that indicates the weeks in which he or she will take the leave.

Same — change in employee's plan

(9) An employee may take a leave at a time other than that indicated in the plan provided under subsection (7) or (8) if the change to the time of the leave meets the requirements of this section and,

- (a) the employee requests permission from the employer to do so in writing and the employer grants permission in writing; or
- (b) the employee provides the employer with four weeks written notice before the change is to take place.

Evidence

(10) An employer may require an employee who takes a leave under this section to provide evidence reasonable in the circumstances of the employee's entitlement to the leave.

Leave under ss. 49.1, 49.3, 49.4, 49.5 (3) and 50

(11) An employee's entitlement to leave under this section is in addition to any entitlement to leave under sections 49.1, 49.3 and 49.4, subsection 49.5 (3) and section 50.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *Jonathan's Law (Employee Leave of Absence When Child Dies)*, 2016.

Une seule période de congé

(4) L'employé ne peut prendre le congé prévu au présent article qu'en une seule période.

Délai limitatif

(5) L'employé ne peut prendre un congé en vertu du paragraphe (2) que pendant la période de 52 semaines qui commence la semaine du décès de l'enfant.

Durée totale du congé : décès de l'enfant

(6) La durée totale du congé que peuvent prendre un ou plusieurs employés en vertu du présent article à l'égard du décès, ou des décès qui résultent du même événement, est de 52 semaines.

Avis à l'employeur

(7) L'employé qui souhaite prendre un congé en vertu du présent article en informe son employeur par écrit et lui fournit un plan écrit indiquant les semaines au cours desquelles il prendra le congé.

Idem

(8) Si l'employé doit commencer un congé en vertu du présent article avant d'en avoir informé son employeur, il l'en informe par écrit le plus tôt possible après le début du congé et lui fournit un plan écrit indiquant les semaines au cours desquelles il prendra le congé.

Idem : changement par rapport au plan fourni

(9) L'employé peut prendre un congé à des dates autres que celles qu'il a indiquées dans le plan fourni en application du paragraphe (7) ou (8) si le changement de dates répond aux exigences du présent article et que l'une des conditions suivantes est remplie :

- a) l'employé en demande la permission par écrit à l'employeur et celui-ci la lui accorde par écrit;
- b) l'employé en donne à l'employeur un préavis écrit de quatre semaines.

Preuve

(10) L'employeur peut exiger que l'employé qui prend un congé en vertu du présent article lui fournisse une preuve raisonnable dans les circonstances du fait qu'il y a droit.

Droit aux congés prévus aux art. 49.1, 49.3, 49.4, 49.5 (3) et 50

(11) Le droit d'un employé au congé prévu au présent article s'ajoute à tout droit aux congés prévus aux articles 49.1, 49.3 et 49.4, au paragraphe 49.5 (3) et à l'article 50.

Entrée en vigueur

2. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi Jonathan de 2016 sur le congé des employés en cas de décès d'un enfant*.



2nd SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 32

Projet de loi 32

**An Act to amend
the Child and Family Services Act
with respect to children
16 years of age and older**

**Loi modifiant
la Loi sur les services à l'enfance
et à la famille en ce qui concerne
les enfants de 16 ans et plus**

Mr. J. McDonell



M. J. McDonell

Private Member's Bill

Projet de loi de député

1st Reading October 4, 2016
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 4 octobre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill amends the *Child and Family Services Act*.

Section 1 of the Act is amended to include a new purpose of the Act, which is to recognize that services provided under the Act should be provided in accordance with the United Nations Convention on the Rights of the Child.

At present, section 29 of the Act prohibits a temporary care agreement from being made in respect of a child who is 16 years of age or older. Section 29 is amended to allow temporary care agreements to be made in respect of children who are 16 years of age or older.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi sur les services à l'enfance et à la famille*.

L'article 1 de la Loi est modifié pour que les objets de la Loi comprennent le fait de reconnaître que les services fournis dans le cadre de la Loi devraient l'être conformément à la Convention des Nations Unies relative aux droits de l'enfant.

Selon l'actuel article 29 de la Loi, aucune entente relative à des soins temporaires ne peut être conclue à l'égard d'un enfant de 16 ans ou plus. L'article 29 est modifié pour permettre la conclusion d'une entente relative à des soins temporaires à l'égard d'enfants de 16 ans ou plus.

**An Act to amend
the Child and Family Services Act
with respect to children
16 years of age and older**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (2) of the *Child and Family Services Act* is amended by adding the following paragraph:

6. To recognize that services provided under the Act should be provided in accordance with the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, and to which Canada is a party.

2. (1) Section 29 of the Act is amended by adding the following subsections:

Same — child 16 or older

(1.1) A child who is 16 years of age or older and the society having jurisdiction where the child resides may, at the request of the child, make a written agreement for the society's care and custody of the child if the person who has custody of the child is temporarily unable to care adequately for the child.

Same — no refusal

(1.2) If a child makes a request for a temporary care agreement under subsection (1.1), the society shall not refuse to make the agreement if the society determines that the person who has custody of the child is temporarily unable to care adequately for the child.

(2) Subsection 29 (2) of the Act is repealed and the following substituted:

Child's age

(2) No temporary care agreement shall be made in respect of a child who is 12 years of age or older, unless the child is a party to the agreement.

(3) Subsection 29 (3) of the Act is amended by striking out "Clause (2) (b)" at the beginning and substituting "Subsection (2)".

(4) Subsection 29 (5) of the Act is repealed and the following substituted:

Term of agreement limited

(5) No temporary care agreement shall be made for a

**Loi modifiant
la Loi sur les services à l'enfance
et à la famille en ce qui concerne
les enfants de 16 ans et plus**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. Le paragraphe 1 (2) de la *Loi sur les services à l'enfance et à la famille* est modifié par adjonction de la disposition suivante :

6. Reconnaître que les services fournis dans le cadre de la Loi devraient l'être conformément à la Convention des Nations Unies relative aux droits de l'enfant, adoptée par l'Assemblée générale des Nations Unies le 20 novembre 1989, et à laquelle le Canada est partie.

2. (1) L'article 29 de la Loi est modifié par adjonction des paragraphes suivants :

Idem : enfant de 16 ans ou plus

(1.1) Un enfant de 16 ans ou plus et la société qui exerce sa compétence dans le territoire où il réside peuvent, à la demande de l'enfant, conclure une entente écrite pour que la société garde l'enfant et lui fournisse des soins si la personne qui en a la garde n'est pas en mesure, temporairement, de lui fournir des soins convenables.

Idem : refus impossible

(1.2) Si un enfant demande la conclusion d'une entente relative à des soins temporaires en vertu du paragraphe (1.1), la société ne doit pas refuser de conclure l'entente si elle établit que la personne qui a la garde de l'enfant n'est pas en mesure, temporairement, de lui fournir des soins convenables.

(2) Le paragraphe 29 (2) de la Loi est abrogé et remplacé par ce qui suit :

Âge de l'enfant

(2) Aucune entente relative à des soins temporaires ne doit être conclue à l'égard d'un enfant de 12 ans ou plus, à moins qu'il ne soit partie à l'entente.

(3) Le paragraphe 29 (3) de la Loi est modifié par remplacement de «L'alinéa (2) b)» par «Le paragraphe (2)» au début du paragraphe.

(4) Le paragraphe 29 (5) de la Loi est abrogé et remplacé par ce qui suit :

Durée de l'entente

(5) Aucune entente relative à des soins temporaires ne

term exceeding six months, but the parties to a temporary care agreement may, with a Director's written approval agree to extend it for a further period or periods if the total term of the agreement, as extended, does not exceed,

- (a) an aggregate of 12 months, if the child is less than 16 years of age on the day the agreement is entered into;
- (b) an aggregate of 24 months, if the child is 16 or 17 years of age on the day the agreement is entered into.

(5) Section 29 of the Act is amended by adding the following subsection:

Exception

(8.1) Paragraphs 3, 4 and 5 of subsection (8) do not apply to a temporary care agreement made in respect of a child who is 16 or 17 years of age.

(6) Section 29 of the Act is amended by adding the following subsections:

No bar on extended care

(11) For greater certainty, nothing in this section prevents a society or agency from providing care and maintenance to a person under section 71.1 or the regulations.

No bar on extended care or income support

(12) For greater certainty, nothing in this section prevents the following:

- 1. A society or agency from providing care and maintenance to a person under section 71.1 or the regulations.
- 2. A person who is otherwise entitled to basic financial assistance under the *Ontario Works Act, 1997* or income support under the *Ontario Disability Support Program Act, 1997* from receiving that support or assistance.

Commencement

3. This Act comes into force on the day that is six months after the day this Act receives Royal Assent.

Short title

4. The short title of this Act is the *Right to Care Act (Children 16 Years of Age and Older)*, 2016.

doit être conclue pour une période de plus de six mois. Les parties à une telle entente peuvent, avec l'approbation écrite du directeur, convenir de proroger l'entente une ou plusieurs fois si la durée totale de l'entente, avec ses prorogations, n'excède pas :

- a) 12 mois en tout si l'enfant a moins de 16 ans le jour où l'entente est conclue;
- b) 24 mois en tout si l'enfant a 16 ou 17 ans le jour où l'entente est conclue.

(5) L'article 29 de la Loi est modifié par adjonction du paragraphe suivant :

Exception

(8.1) Les dispositions 3, 4 et 5 du paragraphe (8) ne s'appliquent pas à une entente relative à des soins temporaires conclue à l'égard d'un enfant de 16 ou 17 ans.

(6) L'article 29 de la Loi est modifié par adjonction des paragraphes suivants :

Aucun obstacle à une prolongation des soins

(11) Il est entendu que le présent article n'a pas pour effet d'empêcher une société ou une agence d'assumer les soins et l'entretien d'une personne en vertu de l'article 71.1 ou des règlements.

Aucun obstacle à une prolongation des soins ou à un soutien du revenu

(12) Il est entendu que le présent article n'a pas pour effet d'empêcher ce qui suit :

- 1. Le fait qu'une société ou une agence assume les soins et l'entretien d'une personne en vertu de l'article 71.1 ou des règlements.
- 2. Le fait qu'une personne qui a droit par ailleurs à l'aide financière de base prévue par la *Loi de 1997 sur le programme Ontario au travail* ou au soutien du revenu prévu par la *Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées* reçoive cette aide ou ce soutien.

Entrée en vigueur

3. La présente loi entre en vigueur six mois après le jour où elle reçoit la sanction royale.

Titre abrégé

4. Le titre abrégé de la présente loi est *Loi de 2016 sur le droit aux soins en ce qui concerne les enfants de 16 ans et plus*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 33

**An Act to amend the
Long-Term Care Homes Act, 2007
to establish a minimum standard
of daily care**

Ms F. Gélinas

Private Member's Bill

1st Reading October 4, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 33

**Loi modifiant la Loi de 2007 sur
les foyers de soins de longue durée
afin d'établir une norme minimale
en matière de soins quotidiens**

M^{me} F. Gélinas

Projet de loi de député

1^{re} lecture 4 octobre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill amends the *Long-Term Care Homes Act, 2007* so that a long-term care home will have to provide its residents with at least four hours a day of nursing and personal support services, averaged across the residents. The minimum hours may be increased by regulation.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi de 2007 sur les foyers de soins de longue durée* afin qu'un foyer de soins de longue durée soit tenu de fournir aux résidents au moins quatre heures par jour de services infirmiers et de soutien personnel, la moyenne de ces heures étant calculée pour tous les résidents. Le nombre minimal d'heures peut être révisé à la hausse par règlement.

**An Act to amend the
Long-Term Care Homes Act, 2007
to establish a minimum standard
of daily care**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 (2) of the *Long-Term Care Homes Act, 2007* is repealed and the following substituted:

Based on assessment of resident

(2) The licensee shall ensure that the care set out in the plan of care is based on an assessment of the resident, the needs and preferences of that resident and takes into account the licensee's duty to comply with subsection 8 (5).

2. Section 8 of the Act is amended by adding the following subsections:

Minimum standard of daily care

(5) Every licensee of a long-term care home shall ensure that the average number of combined hours of nursing services and personal support services offered at the home each day is at least four hours per resident, or if a higher minimum average is prescribed, the prescribed amount.

Same, calculation

(6) For the purposes of this section, the average number of hours of nursing services and personal support services is calculated as prescribed by the regulations and does not include hours paid in respect to vacation, statutory holidays, leaves of absence, sick time or training time or for other purposes which do not involve direct patient care.

3. Subsection 38 (2) of the Act is amended by adding the following clause:

(g.1) prescribing a higher minimum average number of combined hours of nursing services and personal support services for the purposes of subsection 8 (5);

Commencement

4. This Act comes into force six months after the day it receives Royal Assent.

**Loi modifiant la Loi de 2007 sur
les foyers de soins de longue durée
afin d'établir une norme minimale
en matière de soins quotidiens**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. Le paragraphe 6 (2) de la *Loi de 2007 sur les foyers de soins de longue durée* est abrogé et remplacé par ce qui suit :

Programme fondé sur l'évaluation du résident

(2) Le titulaire de permis veille à ce que les soins prévus dans le programme de soins soient fondés sur une évaluation du résident et de ses besoins et préférences, et tiennent compte de l'obligation du titulaire de permis de se conformer au paragraphe 8 (5).

2. L'article 8 de la Loi est modifié par adjonction des paragraphes suivants :

Norme minimale en matière de soins quotidiens

(5) Le titulaire de permis d'un foyer de soins de longue durée veille à ce que le nombre moyen d'heures combinées de services infirmiers et de services de soutien personnel offertes chaque jour au foyer corresponde à au moins quatre heures par résident ou, si une moyenne minimale plus élevée est prescrite, au nombre d'heures ainsi prescrit.

Idem : calcul des heures

(6) Pour l'application du présent article, le nombre moyen d'heures de services infirmiers et de services de soutien personnel est calculé comme le prescrivent les règlements. Il n'inclut pas les heures payées à l'égard des vacances, des jours fériés, des congés de maladie ou autres congés ou du temps de formation, ou pour toute autre fin ne comprenant pas la fourniture de soins directs aux patients.

3. Le paragraphe 38 (2) de la Loi est modifié par adjonction de l'alinéa suivant :

g.1) prescrire, pour l'application du paragraphe 8 (5), un nombre moyen minimal d'heures combinées de services infirmiers et de services de soutien personnel plus élevé;

Entrée en vigueur

4. La présente loi entre en vigueur six mois après le jour où elle reçoit la sanction royale.

Short title

5. The short title of this Act is the *Time to Care Act (Long-Term Care Homes Amendment, Minimum Standard of Daily Care)*, 2016.

Titre abrégé

5. Le titre abrégé de la présente loi est *Loi de 2016 sur le temps alloué aux soins (modifiant la Loi sur les foyers de soins de longue durée et prévoyant une norme minimale en matière de soins quotidiens)*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 34

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

Mr. M. Mantha

Private Member's Bill

1st Reading October 4, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 34

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

M. M. Mantha

Projet de loi de député

1^{re} lecture 4 octobre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

The Bill amends the *Children's Law Reform Act*.

Subsection 20 (2.1) is added to the Act. That subsection prohibits a person entitled to custody of a child from creating or maintaining unreasonable barriers to the formation and continuation of personal relationships between the child and the child's grandparents.

Subsection 24 (2) of the Act is amended. That subsection sets out the needs and circumstances of a child that the court must consider in determining the best interests of the child. The Bill adds to that list the emotional ties between the child and the child's grandparents and the willingness of each person applying for custody of the child to facilitate contact with the child's grandparents, if such contact would be appropriate in the circumstances.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi portant réforme du droit de l'enfance*.

Le paragraphe 20 (2.1) est ajouté à la Loi. Ce paragraphe interdit à quiconque ayant un droit de garde à l'égard d'un enfant de créer ou de maintenir d'obstacles déraisonnables à la formation et à la poursuite de relations personnelles entre l'enfant et ses grands-parents.

Le paragraphe 24 (2) de la Loi est modifié. Ce paragraphe énumère l'ensemble de la situation et des besoins de l'enfant dont le tribunal doit tenir compte pour établir l'intérêt véritable de celui-ci. Le projet de loi ajoute à la liste les liens affectifs qui existent entre l'enfant et ses grands-parents ainsi que la volonté de chaque personne qui demande la garde de l'enfant de faciliter les contacts avec les grands-parents, lorsque de tels contacts seraient adaptés dans les circonstances.

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of the *Children's Law Reform Act* is amended by adding the following subsection:

Relationship with grandparents

(2.1) A person entitled to custody of a child shall not create or maintain unreasonable barriers to the formation and continuation of a personal relationship between the child and the child's grandparents.

2. (1) Clause 24 (2) (a) of the Act is amended by striking out "and" at the end of subclause (ii), by adding "and" at the end of subclause (iii) and by adding the following subclause:

(iv) the child's grandparents;

(2) Subsection 24 (2) of the Act is amended by adding the following clause:

(d.1) the willingness of each person applying for custody of the child to facilitate contact between the child and the child's grandparents, if such contact would be appropriate in the circumstances;

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Children's Law Reform Amendment Act (Relationship with Grandparents), 2016*.

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. L'article 20 de la *Loi portant réforme du droit de l'enfance* est modifié par adjonction du paragraphe suivant :

Relation avec les grands-parents

(2.1) Nulle personne ayant un droit de garde à l'égard d'un enfant ne doit créer ou maintenir d'obstacles déraisonnables à la formation et à la poursuite d'une relation personnelle entre l'enfant et ses grands-parents.

2. (1) L'alinéa 24 (2) a) de la Loi est modifié par adjonction du sous-alinéa suivant :

(iv) les grands-parents de l'enfant;

(2) Le paragraphe 24 (2) de la Loi est modifié par adjonction de l'alinéa suivant :

d.1) la volonté de chaque personne qui demande, par requête, la garde de l'enfant de faciliter les contacts entre celui-ci et ses grands-parents, lorsque de tels contacts seraient adaptés dans les circonstances;

Entrée en vigueur

3. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

4. Le titre abrégé de la présente loi est *Loi de 2016 modifiant la Loi portant réforme du droit de l'enfance (relation avec les grands-parents)*.

XB
B56



Government
Publication

2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 34

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

Mr. M. Mantha

Private Member's Bill

1st Reading October 4, 2016
2nd Reading November 3, 2016
3rd Reading
Royal Assent

*(Reprinted as amended by the Standing Committee
on Regulations and Private Bills and as reported
to the Legislative Assembly December 1, 2016)*

*(The provisions in this bill will be renumbered
after 3rd Reading)*

Printed by the Legislative Assembly
of Ontario

Projet de loi 34

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

M. M. Mantha

Projet de loi de député

1^{re} lecture 4 octobre 2016
2^e lecture 3 novembre 2016
3^e lecture
Sanction royale

*(Réimprimé tel qu'il a été modifié par le
Comité permanent des règlements et des projets de loi
d'intérêt privé et rapporté à l'Assemblée législative le
1^{er} décembre 2016)*

*(Les dispositions du présent projet de loi
seront renumérotées après la 3^e lecture)*

Imprimé par l'Assemblée législative
de l'Ontario



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~strikethrough~~ for deleted text.

La présente réimpression du projet de loi comporte des symboles qui indiquent les modifications apportées en comité.

Le nouveau texte est souligné et le texte supprimé est ~~rayé~~.

EXPLANATORY NOTE

The Bill amends the *Children's Law Reform Act*.

~~Subsection 20 (2.1) is added to the Act. That subsection prohibits a person entitled to custody of a child from creating or maintaining unreasonable barriers to the formation and continuation of personal relationships between the child and the child's grandparents.~~

Subsection 21 (1) of the Act, which sets out who may apply to a court for a child custody or access order, is amended to make express reference to grandparents.

~~Subsection 24 (2) of the Act is amended. That subsection sets out the needs and circumstances of a child that the court must consider in determining the best interests of the child. The Bill adds to that list the emotional ties between the child and the child's grandparents and the willingness of each person applying for custody of the child to facilitate contact with the child's grandparents, if such contact would be appropriate in the circumstances.~~

Subclause 24 (2) (a) (i) of the Act is amended to expressly provide that, in determining a custody or access application, the court must consider the relationship between the child and each parent and grandparent.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi portant réforme du droit de l'enfance*.

~~Le paragraphe 20 (2.1) est ajouté à la Loi. Ce paragraphe interdit à quiconque ayant un droit de garde à l'égard d'un enfant de créer ou de maintenir d'obstacles déraisonnables à la formation et à la poursuite de relations personnelles entre l'enfant et ses grands-parents.~~

Le paragraphe 21 (1) de la Loi, qui précise qui peut demander au tribunal, par voie de requête, de rendre une ordonnance relative à la garde d'un enfant ou au droit de visite, est modifié en faisant mention expresse des grands-parents.

~~Le paragraphe 24 (2) de la Loi est modifié. Ce paragraphe énumère l'ensemble de la situation et des besoins de l'enfant dont le tribunal doit tenir compte pour établir l'intérêt véritable de celui-ci. Le projet de loi ajoute à la liste les liens affectifs qui existent entre l'enfant et ses grands-parents ainsi que la volonté de chaque personne qui demande la garde de l'enfant de faciliter les contacts avec les grands-parents, lorsque de tels contacts seraient adaptés dans les circonstances.~~

Le sous-alinéa 24 (2) a) (i) de la Loi est modifié pour prévoir expressément que, lorsqu'il décide une requête relative à la garde ou au droit de visite, le tribunal doit prendre en considération la relation qui existe entre l'enfant et chaque parent et grand-parent.

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

~~—1. Section 20 of the *Children's Law Reform Act* is amended by adding the following subsection:~~

Relationship with grandparents

~~—(2.1) A person entitled to custody of a child shall not create or maintain unreasonable barriers to the formation and continuation of a personal relationship between the child and the child's grandparents.~~

1.1 Subsection 21 (1) of the Act is amended by adding "including a grandparent" after "any other person".

1.2 Subclause 24 (2) (a) (i) of the Act is amended by adding "including a parent or grandparent" after "each person".

~~—2. (1) Clause 24 (2) (a) of the Act is amended by striking out "and" at the end of subclause (ii), by adding "and" at the end of subclause (iii) and by adding the following subclause:~~

~~—— (iv) the child's grandparents;~~

~~—(2) Subsection 24 (2) of the Act is amended by adding the following clause:~~

~~(d.1) the willingness of each person applying for custody of the child to facilitate contact between the child and the child's grandparents, if such contact would be appropriate in the circumstances;~~

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

~~—4. The short title of this Act is the *Children's Law Reform Amendment Act (Relationship with Grandparents)*, 2016.~~

Short title

4. The short title of this Act is the *Children's Law Reform Amendment Act (Recognizing Relationships with Grandparents)*, 2016.

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

~~—1. L'article 20 de la *Loi portant réforme du droit de l'enfance* est modifié par adjonction du paragraphe suivant :~~

Relation avec les grands-parents

~~—(2.1) Nulle personne ayant un droit de garde à l'égard d'un enfant ne doit créer ou maintenir d'obstacles déraisonnables à la formation et à la poursuite d'une relation personnelle entre l'enfant et ses grands-parents.~~

1.1 Le paragraphe 21 (1) de la Loi est modifié par insertion de « , y compris un grand-parent, » après « une autre personne ».

1.2 Le sous-alinéa 24 (2) a) (i) de la Loi est modifié par insertion de « , y compris un parent ou un grand-parent, » après « chaque personne ».

~~—2. (1) L'alinéa 24 (2) a) de la Loi est modifié par adjonction du sous-alinéa suivant :~~

~~—— (iv) les grands-parents de l'enfant;~~

~~—(2) Le paragraphe 24 (2) de la Loi est modifié par adjonction de l'alinéa suivant :~~

~~—d.1) la volonté de chaque personne qui demande, par requête, la garde de l'enfant de faciliter les contacts entre celui-ci et ses grands-parents, lorsque de tels contacts seraient adaptés dans les circonstances;~~

Entrée en vigueur

3. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

~~—4. Le titre abrégé de la présente loi est *Loi de 2016 modifiant la Loi portant réforme du droit de l'enfance (relation avec les grands-parents)*.~~

Titre abrégé

4. Le titre abrégé de la présente loi est *Loi de 2016 modifiant la Loi portant réforme du droit de l'enfance (reconnaissance de la relation avec les grands-parents)*.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 34

*(Chapter 28
Statutes of Ontario, 2016)*

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

Mr. M. Mantha

Projet de loi 34

*(Chapitre 28
Lois de l'Ontario de 2016)*

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

M. M. Mantha



1st Reading	October 4, 2016
2nd Reading	November 3, 2016
3rd Reading	December 5, 2016
Royal Assent	December 8, 2016

1 ^{re} lecture	4 octobre 2016
2 ^e lecture	3 novembre 2016
3 ^e lecture	5 décembre 2016
Sanction royale	8 décembre 2016

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 34 and does not form part of the law. Bill 34 has been enacted as Chapter 28 of the Statutes of Ontario, 2016.

The Bill amends the *Children's Law Reform Act*.

Subsection 21 (1) of the Act, which sets out who may apply to a court for a child custody or access order, is amended to make express reference to grandparents.

Subclause 24 (2) (a) (i) of the Act is amended to expressly provide that, in determining a custody or access application, the court must consider the relationship between the child and each parent and grandparent.

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 34, ne fait pas partie de la loi. Le projet de loi 34 a été édicté et constitue maintenant le chapitre 28 des Lois de l'Ontario de 2016.

Le projet de loi modifie la *Loi portant réforme du droit de l'enfance*.

Le paragraphe 21 (1) de la Loi, qui précise qui peut demander au tribunal, par voie de requête, de rendre une ordonnance relativement à la garde d'un enfant ou au droit de visite, est modifié en faisant mention expresse des grands-parents.

Le sous-alinéa 24 (2) a) (i) de la Loi est modifié pour prévoir expressément que, lorsqu'il décide une requête relative à la garde ou au droit de visite, le tribunal doit prendre en considération la relation qui existe entre l'enfant et chaque parent et grand-parent.

**An Act to amend the
Children's Law Reform Act
with respect to the relationship
between a child and
the child's grandparents**

**Loi modifiant la
Loi portant réforme du droit
de l'enfance en ce qui concerne
la relation entre un enfant
et ses grands-parents**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 21 (1) of the *Children's Law Reform Act* is amended by adding "including a grandparent" after "any other person".

2. Subclause 24 (2) (a) (i) of the Act is amended by adding "including a parent or grandparent" after "each person".

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Children's Law Reform Amendment Act (Recognizing Relationships with Grandparents), 2016*.

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. Le paragraphe 21 (1) de la *Loi portant réforme du droit de l'enfance* est modifié par insertion de «, y compris un grand-parent,» après «une autre personne».

2. Le sous-alinéa 24 (2) a) (i) de la Loi est modifié par insertion de «, y compris un parent ou un grand-parent,» après «chaque personne».

Entrée en vigueur

3. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

4. Le titre abrégé de la présente loi est *Loi de 2016 modifiant la Loi portant réforme du droit de l'enfance (reconnaissance de la relation avec les grands-parents)*.



2nd SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 35

**An Act to amend the
Home Care and Community
Services Act, 1994 with respect to
complaints and appeals**

Ms L. Gretzky

Private Member's Bill

1st Reading October 4, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 35

**Loi modifiant la
Loi de 1994 sur les services
de soins à domicile et les services
communautaires en ce qui concerne
les plaintes et les appels**

M^{me} L. Gretzky

Projet de loi de député

1^{re} lecture 4 octobre 2016
2^e lecture
3^e lecture
Sanction royale



EXPLANATORY NOTE

Under section 39 of the *Home Care and Community Services Act, 1994*, an approved agency is required to establish a process for reviewing complaints about specified matters. The Bill shortens the time period, from 60 days to 30 days, during which an agency is required to respond to complaints respecting decisions about the particular community services a person is entitled to receive. The Bill requires the agency's response to include information about the process for appealing the decision to the Health Services Appeal and Review Board.

The Bill also provides that if the decision of the agency would have the effect of terminating or reducing the community services provided to a person, an appeal to the Board stays the decision.

NOTE EXPLICATIVE

En application de l'article 39 de la *Loi de 1994 sur les services de soins à domicile et les services communautaires*, un organisme agréé est tenu de mettre sur pied une procédure pour l'examen des plaintes relatives à des questions précisées. Le projet de loi abrège, de 60 à 30 jours, le délai accordé à l'organisme pour répondre aux plaintes relatives aux décisions visant les services communautaires particuliers qu'une personne est admissible à recevoir. Il exige aussi que l'organisme inclue, dans sa réponse, des renseignements sur le processus d'appel de la décision devant la Commission d'appel et de révision des services de santé.

Le projet de loi prévoit finalement que dans le cas où la décision de l'organisme aurait pour effet de mettre fin aux services communautaires qui sont fournis à une personne ou de les réduire, un appel interjeté devant la Commission y sursoit.

**An Act to amend the
Home Care and Community
Services Act, 1994 with respect to
complaints and appeals**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Subsection 39 (3) of the *Home Care and Community Services Act, 1994* is amended by striking out “60 days” in the portion before clause (a) and substituting “30 days”.

(2) Section 39 of the Act is amended by adding the following subsection:

Notice, contents

(5) A notice under clause (3) (a) or (b) or a copy of a decision under clause (3) (c) shall include information about how the person to whom the notice is given may appeal the decision to the Appeal Board.

2. Clause 40 (1) (b) of the Act is amended by striking out “60 days” and substituting “30 days”.

3. The Act is amended by adding the following section:

Stay on appeal

40.1 (1) If the decision of an approved agency, as affirmed, rescinded or substituted under subsection 39 (3), would have the effect of terminating or reducing the community services provided to a person, the appeal of the decision to the Appeal Board in accordance with section 40 stays the operation of the decision.

Same, transition

(2) Subsection (1) applies in respect of an appeal if the notice requiring a hearing has been given to the Appeal Board on or after the day the *Empowering Home Care Patients Act, 2016* receives Royal Assent.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Empowering Home Care Patients Act, 2016*.

**Loi modifiant la
Loi de 1994 sur les services
de soins à domicile et les services
communautaires en ce qui concerne
les plaintes et les appels**

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1. (1) Le paragraphe 39 (3) de la *Loi de 1994 sur les services de soins à domicile et les services communautaires* est modifié par remplacement de «60 jours» par «30 jours» dans le passage qui précède l'alinéa a).

(2) L'article 39 de la Loi est modifié par adjonction du paragraphe suivant :

Contenu de l'avis

(5) L'avis visé à l'alinéa (3) a) ou b) ou la copie de la décision visée à l'alinéa (3) c) comprend des renseignements sur la façon dont la personne qui reçoit l'avis peut interjeter appel de la décision devant la Commission d'appel.

2. L'alinéa 40 (1) b) de la Loi est modifié par remplacement de «60 jours» par «30 jours».

3. La Loi est modifiée par adjonction de l'article suivant :

Sursis en cas d'appel

40.1 (1) Dans le cas où la décision d'un organisme agréé, telle qu'elle est confirmée, annulée ou substituée conformément au paragraphe 39 (3), aurait pour effet de mettre fin aux services communautaires qui sont fournis à une personne ou de les réduire, l'appel de la décision interjeté devant la Commission d'appel conformément à l'article 40 a pour effet de surseoir à l'application de la décision.

Idem : disposition transitoire

(2) Le paragraphe (1) s'applique à l'égard d'un appel si l'avis de demande d'audience a été donné à la Commission d'appel le jour où la *Loi de 2016 donnant plus de pouvoir aux personnes recevant des soins à domicile* reçoit la sanction royale ou par la suite.

Entrée en vigueur

4. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

5. Le titre abrégé de la présente loi est *Loi de 2016 donnant plus de pouvoir aux personnes recevant des soins à domicile*.



2nd SESSION, 41st LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 36

**An Act to proclaim
the month of November as
Albanian Heritage Month**

Mr. Qaadri

Private Member's Bill

1st Reading October 5, 2016
2nd Reading
3rd Reading
Royal Assent

Projet de loi 36

**Loi proclamant
le mois de novembre
Mois du patrimoine albanais**

M. Qaadri

Projet de loi de député

1^{re} lecture 5 octobre 2016
2^e lecture
3^e lecture
Sanction royale



**An Act to proclaim
the month of November as
Albanian Heritage Month**

**Loi proclamant
le mois de novembre
Mois du patrimoine albanais**

Preamble

Ontario is home to more than 28,000 Albanian Canadians. Since the early 20th century, the Albanian-Canadian community has made and continues to make significant contributions to the growth and prosperity of the Province of Ontario.

November is a significant month for the Albanian community. Each year, during the month of November, people of Albanian origin celebrate the Albanian Declaration of Independence, which declared Albania an independent sovereign nation on November 28th, 1912.

In November, Albania also commemorates Liberation Day, which is the day that Albania was liberated from Nazi Germany forces after the Albanian resistance on November 29th, 1944.

By proclaiming the month of November as Albanian Heritage Month, the Province of Ontario recognizes the meaningful contributions immigrants have made in building Ontario's communities and the social, economic, political and cultural achievements of Albanian-Canadians throughout the province. Albanian Heritage Month is an opportunity to remember, celebrate and educate future generations about Ontario's rich history.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Albanian Heritage Month

1. The month of November in each year is proclaimed as Albanian Heritage Month.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Albanian Heritage Month Act, 2016*.

EXPLANATORY NOTE

The Bill proclaims the month of November in each year as Albanian Heritage Month.

Préambule

Plus de 28 000 Albano-Canadiens vivent en Ontario. Depuis le début du XX^e siècle, la communauté albano-canadienne ne cesse de contribuer de façon considérable à la croissance et à la prospérité de la province de l'Ontario.

Le mois de novembre est important pour la communauté albanaise. Chaque année, en novembre, les personnes d'origine albanaise célèbrent la déclaration d'indépendance de l'Albanie, qui énonçait, le 28 novembre 1912, que l'Albanie était une nation souveraine et indépendante.

En novembre, l'Albanie commémore aussi le Jour de la Libération, qui marque le jour où l'Albanie a été libérée – le 29 novembre 1944 – des forces de l'Allemagne nazie après la résistance albanaise.

En proclamant le mois de novembre Mois du patrimoine albanais, la province de l'Ontario reconnaît l'apport précieux des immigrants à la création des collectivités ontariennes et les réalisations attribuées aux Albano-Canadiens partout dans la province sur les plans social, économique, politique et culturel. Le Mois du patrimoine albanais est l'occasion de se souvenir de la riche histoire de l'Ontario, de la célébrer et de la transmettre aux générations à venir.

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Mois du patrimoine albanais

1. Le mois de novembre de chaque année est proclamé Mois du patrimoine albanais.

Entrée en vigueur

2. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2016 sur le Mois du patrimoine albanais*.

NOTE EXPLICATIVE

Le projet de loi proclame le mois de novembre de chaque année Mois du patrimoine albanais.



2ND SESSION, 41ST LEGISLATURE, ONTARIO
65 ELIZABETH II, 2016

2^e SESSION, 41^e LÉGISLATURE, ONTARIO
65 ELIZABETH II, 2016

Bill 36

*(Chapter 29
Statutes of Ontario, 2016)*

**An Act to proclaim
the month of November as
Albanian Heritage Month**

Mr. S. Qaadri

Projet de loi 36

*(Chapitre 29
Lois de l'Ontario de 2016)*

**Loi proclamant
le mois de novembre
Mois du patrimoine albanais**

M. S. Qaadri



1st Reading	October 5, 2016
2nd Reading	October 6, 2016
3rd Reading	December 5, 2016
Royal Assent	December 8, 2016

1 ^{re} lecture	5 octobre 2016
2 ^e lecture	6 octobre 2016
3 ^e lecture	5 décembre 2016
Sanction royale	8 décembre 2016



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 36 and does not form part of the law. Bill 36 has been enacted as Chapter 29 of the Statutes of Ontario, 2016.

The Bill proclaims the month of November in each year as Albanian Heritage Month.

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 36, ne fait pas partie de la loi. Le projet de loi 36 a été édicté et constitue maintenant le chapitre 29 des Lois de l'Ontario de 2016.

Le projet de loi proclame le mois de novembre de chaque année Mois du patrimoine albanais.

**An Act to proclaim
the month of November as
Albanian Heritage Month**

Preamble

Ontario is home to more than 28,000 Albanian Canadians. Since the early 20th century, the Albanian-Canadian community has made and continues to make significant contributions to the growth and prosperity of the Province of Ontario.

November is a significant month for the Albanian community. Each year, during the month of November, people of Albanian origin celebrate the Albanian Declaration of Independence, which declared Albania an independent sovereign nation on November 28th, 1912.

In November, Albania also commemorates Liberation Day, which is the day that Albania was liberated from Nazi Germany forces after the Albanian resistance on November 29th, 1944.

By proclaiming the month of November as Albanian Heritage Month, the Province of Ontario recognizes the meaningful contributions immigrants have made in building Ontario's communities and the social, economic, political and cultural achievements of Albanian-Canadians throughout the province. Albanian Heritage Month is an opportunity to remember, celebrate and educate future generations about Ontario's rich history.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Albanian Heritage Month

1. The month of November in each year is proclaimed as Albanian Heritage Month.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Albanian Heritage Month Act, 2016*.

**Loi proclamant
le mois de novembre
Mois du patrimoine albanais**

Préambule

Plus de 28 000 Albano-Canadiens vivent en Ontario. Depuis le début du XX^e siècle, la communauté albano-canadienne ne cesse de contribuer de façon considérable à la croissance et à la prospérité de la province de l'Ontario.

Le mois de novembre est important pour la communauté albanaise. Chaque année, en novembre, les personnes d'origine albanaise célèbrent la déclaration d'indépendance de l'Albanie, qui énonçait, le 28 novembre 1912, que l'Albanie était une nation souveraine et indépendante.

En novembre, l'Albanie commémore aussi le Jour de la Libération, qui marque le jour où l'Albanie a été libérée – le 29 novembre 1944 – des forces de l'Allemagne nazie après la résistance albanaise.

En proclamant le mois de novembre Mois du patrimoine albanais, la province de l'Ontario reconnaît l'apport précieux des immigrants à la création des collectivités ontariennes et les réalisations attribuées aux Albano-Canadiens partout dans la province sur les plans social, économique, politique et culturel. Le Mois du patrimoine albanais est l'occasion de se souvenir de la riche histoire de l'Ontario, de la célébrer et de la transmettre aux générations à venir.

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Mois du patrimoine albanais

1. Le mois de novembre de chaque année est proclamé Mois du patrimoine albanais.

Entrée en vigueur

2. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2016 sur le Mois du patrimoine albanais*.



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